NILES' WEEKLY REGISTER.

FOURTH SERIES.] No. 11—VOL. VIII. BALTIMORE, MAY 11, 1833. [VOL. XLIV. WHOLE No. 1,129.

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT $5 PER ANNUM, PAYABLE IN ADVANCE.

☞A violent assault was committed on the person of the president of the United States, at Alexandria, on Monday last, by Mr. Randolph, lately dismissed from the navy—the particulars of which will be found in subsequent pages. We have no comments to make on this outrage. It requires none. It will, as it ought, receive the unqualified reprobation of every good citizen—whether the offence be considered with respect to the public office held by the assailed, or his advanced age and long and distinguished services.

We have inserted, (as was intended before an account of the assault reached us), Mr, Randolph's address to the public, setting forth his case—and added an article, on the same subject, which has since appeared in the "Globe:" but the merits of the matters stated cannot be allowed to have any sort of influence either to excuse or aggravate the offence of Mr. Randolph—it admits of no excuse, needs no aggravation.

☞We present a collection of law cases, briefly deciding certain important points concerning matters of *every-day interest* to the public, and such as every-body ought to be well acquainted with.

☞Under the head of "Foreign Articles" we have inserted an account of the passage of the "Irish disturbances bill," and certain interesting views of the origin and prospects of negro slavery in the British West Indies. If the government shall carry-out its plans concerning the slaves, a compensation to the owners of them cannot be avoided without committing a flagrant act of injustice—for it was the [British] *government* which established the right of property in one man over the person of his fellow being, in the British West Indies, &c. On the policy of the project, and concerning its effects—there is much room for discussion.

☞We much desire to publish and record, Mr. Burges' able speech in the house of representatives, at the last session of congress, on the tariff—and especially because of its important statistics. Its length has heretofore prevented its insertion—but we expect soon to have room for it. It will not suffer by the delay, nor "perish in the using."

"YANKEE NOTIONS." We inserted an article in our last, stating that Mr. T. H. Perkins, of Boston, had *given* a property worth 30,000 dollars, as an asylum for the blind, on the condition that 50,000 dollars should be raised as a fund to support the institution—adding that Mr. J. P. Cushing had put down 5,000 of the 50,000,* and that others were expected to contribute large sums, &c. The ladies of Boston have "notions," as well as the gentlemen, and they got up a fair, at Faneuil Hall, on the 1st inst. of which we have a long and vivid account, but cannot make room for. The display of ladies, and of the work of their hands, seems to have been truly magnificent; and the result was—that the receipts amounted to about *ten thousand dollars*, in aid of the fund for the instruction and support of the blind. A blessing will attend such "notions;" and, though some have preferred strong objections to such *exhibitions of ladies*, and we certainly think that they ought not to be frequent—the objects accomplished powerfully plead in favor of them. And besides, they afford convenient opportunities for persons to contribute such sums as are best suited to the condition of their purse, or flow of their heart, without an apprehension of shame for a "mite put into the treasury;" or hope of applause for a gift bestowed. A gentleman, whose name is not stated, sent $300 to the fair, with orders to invest the money in a *pen-wiper!*

"MORE YANKEE NOTIONS." The quadrant, the idea of steam wagons, the practical application of steam-power in propelling boats, the cotton gin, the card making machine, and a *multitude* of other important and useful machines—are "Yankee notions." And the following, copied from a New York paper, adds another "notion" to the list:

It is we believe, generally understood, that in completing the manufacture of a single pin in the ordinary method twelve persons are employed in various branches; and Mr. Babbage in his treatise says that the lowest number employed is ten. We were this morning invited to examine a beautiful piece of mechanism made and patented by Dr. J. J. How, of this city, by which a pin is completed from the wire by a single turn of a crank. By this ingenious invention from forty to fifty pins are made each minute, and they are produced more perfect than those made in the ordinary way. Dr. How goes out with his machine to England in the packet ship Montreal, which is to sail on the 10th instant. He intends to take out a patent both in England and France. The machine was made at the manufactory of Messrs. Hoe & Co. Gold street, where it can be seen during this day.

INVENTIONS, &c. Judge Hinkle, of Hanover, Pa. has invented and obtained a patent for an apparatus, which he calls a "*steam generator and refiner*," and which from the certificates published, appears to be an important improvement in steam machinery. A distiller in Heidelberg township certificates that by means, of the apparatus, he is able to procure in one hour from twelve to fifteen gallons of whiskey, while by the old process from six to eight gallons only were procured in the same time. Mr. Mumma, the proprietor of the steam mill near Hanover, says, that before the introduction of the apparatus, when the mill was in good order, 61½ bushels of grain could be ground in nine hours with a half a cord of wood; but that by means of the improvement, he can now grind 82 bushels in eight hours, with the same quantity of fuel. These are important advantages, and an invention capable of producing them, cannot fail to get into general use.

A watchmaker of the name of Buschman, living at Eisenberg, not far from Attemburg in Saxony, has contrived a piece of machinery, which without the assistance of steam, has been found strong enough to move a heavily laden wagon, placed in a fresh ploughed field, with the greatest ease, although sixteen horses could not stir it. The machine may be easily handled, and the vehicle moved by it most safely managed. The inventor has been offered 200,000 dollars for the secret, but as he had obtained patents from all the principal Gorman governments, he has refused all offers.

[The above is called a "*wonderful* invention," and well it may be—whether on *paper*, or in fact.]

MASSACHUSETTS. A second fruitless attempt to elect a member of congress in Boston has failed. The votes were for Mr. Gray 1733, Mr. Lyman 1,138, Mr. Greene 776, Mr. Walker 521. So the first falls short of an election by 362 votes.

CONNECTICUT. No choice of governor and lieutenant governor having been made by the people at the last election, Henry W. Edwards has been elected governor, and Ebenezer Stoddard, lieutenant governor, by the legislature, as follows: for Mr. Edwards (Jackson) 147; John S. Peters (national republican) 70; blanks 10. The Jackson lieutenant governor was chosen by a larger majority.

NEW-YORK. The great fire in the night of the 30th ult. is thought to have dispossessed 300 families, and more than 1,000 persons of their homes, losing also the chief part of their effects, and generally of the poorer classes of society. On all the property lost, only 45,000 dollars were insured.

* At the latest account, only 15 of the 50 thousand remained to be raised; so there is no fear that Mr. Perkins' "notion" will be "nullified," which may shew lack of "chivalry" at Boston!

Digitized by Google

PHILADELPHIA. It is well known that when Philadelphia was laid out, it was the design of its founder, Penn, that all the space between the west side of Front street and the Delaware river should be kept open for the benefit of air, and the preservation of the health of the future inhabitants of the city: but this ground has been closely built upon, having one narrow street passing from north to south (Water street) and many narrow lanes and alleys from thence to the wharves; and when an epidemic has prevailed, the loss of life in this part of Philadelphia was excessive—for persons of the worst classes of society are sometimes huddled together, in great numbers.

As the means of the city, by the bequests of Stephen Girard, are now very abundant, it is proposed to restore, at least in part, the original plan, and remove the buildings located on the east side of Front street between Mulberry and Vine. The buildings are not of great value. The distance proposed to be thus thrown open, is about one-eighth of a mile long.

It is also suggested, that laws will be passed to prevent the opening of other streets and alleys than are now laid down in the plat of the city—and that the front on the Schuylkill, on which vast improvements are making, shall be kept open, &c.

BALTIMORE. The new line between this city and Philadelphia, via the canal, commenced operations on Saturday last. The steamboat *Kentucky*, in the Chesapeake, and the *Ohio*, in the Delaware, are admired by all who have seen them. They have few equals, and no superiors.

BALTIMORE AND OHIO RAIL ROAD. We understand that certain negotiations entered into between this rail road company and the Chesapeake and Ohio canal company, have resulted in an arrangement by which the former work will proceed through the difficult passes of the Potomac to Harper's Ferry. We intend to give the particulars—for, whether mutually advantageous or otherwise, to the *companies*, the *public* is deeply interested in this matter.

The business on the road is mightily increasing—as the following from the Baltimore Gazette may serve to shew:

Statement of the revenue of the Baltimore and Ohio rail road company, for the month of April, 1833, *viz:*

Revenue from passengers	$7,413 27
Do. do. tonnage—westwardly	7,550 37
Do. do. tonnage—eastwardly*	5,054 61
Total	$20,023 25

VIRGINIA. The Whig gives us the following classification of the members of congress elect—all the returns being now in.

Messrs. Stevenson, Chinn, Beale, Fulton, McComas and Claiborne, "Jackson men."—6.

Messrs. Archer, Mason, Loyall and Lucas, "anti proclamation, but decided Jackson men."—4.

Mr. Wise—holds the right of secession, but is "eminently Jacksonian"—1.

Messrs. Gordon, Patton, Gholson, Randolph, Davenport and Taylor, "radical anti-proclamation men," and may be classed anti-administration—6.

Messrs Allen, Mercer, Moore and Wilson—"anti-Jacksonians"—4.

SALT. New and valuable springs have been discovered in Delaware county, New York, at about 150 feet beneath the surface of the earth. The water rises in the wells to within 9 or 10 feet of the surface.

WATER POWER. We recently mentioned the *creation*, or acquisition, of a great water-power, at Trenton, on the Delaware, and now notice a similar improvement of that hitherto neglected on the Passaic, also at the head of the sloop navigation, and only 11 miles from New York. It is called the "Dundee," one mile from Paterson—and supposed equal to "fifteen mill sites."

SHIP BUILDING. The manufacturing of ships is, at present, a great business in the United States, notwithstanding we have "gained" *the* West India trade, and lost the transportation of many bulky articles to that part of the world. Four first rate ships, and many smaller vessels, of superior qualities, are now building in Baltimore. The tariff has not yet ruined the "commerce" or navigation of the country.

GOLD. It is estimated by the superintendent of the United States mint, that one half of the gold found in this country, is coined at home; and that the amount of last year's production was a million and a quarter of dollars. This is estimated to be equal to one-sixth part of the entire quantity produced in Europe and America; and as the amount gathered by us increases annually, the proportion will be in all probability for some years extending in our favor.

[The gold business in the United States has then about the same value as the *button* manufacturing—perhaps rather less than more.]

GOLD LANDS. The capital prizes in the gold lottery, which have caused so many wishes and raised so many hopes, have at length come out, after having modestly kept in the back ground for a long time. The great prize, lot 1,052 12 1, was drawn by Alfred Allison, Greene county. The next greatest prize; lot 1,051 12 1, was drawn by Lewis Hays, of Henry county. We wish both of these fortunate drawers long life to enjoy their success. Fame has put the lot 1,052 12 1 at the high valuation of $100,000. [*Savannah Georgian.*

MR. MADISON. Extract from his message to both houses of congress, Dec. 5, 1810—

"I feel particular satisfaction in remarking that an interior view of our country, presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture, and the improvements related to it, is added a highly interesting extension of useful manufactures; the combined product of professional occupations, and of household industry. *Such, indeed, is the experience of economy, as well as of policy, in these substitutes for supplies heretofore obtained by foreign commerce, that, in a national view, the change is justly regarded, as of itself more than a recompense for those privations and losses resulting from foreign injustice, which furnished the general impulse required for its accomplishment.* How far it may be expedient to guard the infancy of this improvement, in the distribution of labor, by regulations of the commercial tariff, is a subject which cannot fail to suggest itself to your patriotic reflections.

"It will rest with the consideration of congress, also, whether a provident, as well as fair encouragement, would not be given to our navigation, by such regulations as will place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our own soil. The failure of equality and reciprocity, in the existing regulations on this subject, operates, in our ports, as a premium to foreign competitors; and the inconvenience must increase, as these may be multiplied, under more favorable circumstances, by the more than countervailing encouragements, now given them, by the laws of their respective countries."

MR. GALLATIN. Extracts from his report to the house of representatives, (pursuant to a resolution) on the subject of manufactures, April 17, 1810.

"From that imperfect sketch of American manufactures, it may with certainty be inferred that their annual product exceeds one hundred and twenty millions of dollars. *And it is not improbable that the raw materials used, and the provisions and other articles consumed by the manufacturers, create a* HOME MARKET *for agricultural products not very inferior to that which arises from foreign demand.* A result more favorable than might have been expected from a view of the natural causes which impede the introduction, and retard the progress of manufactures in the United States."

*Had the crop been equal to the average one of ordinary years, the result of the business of the last month would greatly have exceeded the above returns. It is gratifying, however, to perceive, that whilst the revenue from tonnage eastwardly has, from the above cause, been injuriously affected, that arising from the transportation westwardly, has increased from $3,535 83 (being the amount for April, 1832) to $7,550 37, being that for the last month.

Digitized by Google

"The information which has been obtained is not sufficient to submit, in conformity with the resolution of the house, the plan best calculated to protect and promote American manufactures. The most obvious means are BOUNTIES, *increased duties on importation*, and LOANS by government.

"Occasional PREMIUMS might be beneficial; *but a general system of bounties* is more applicable to articles exported than to those manufactured for home consumption."

"Since, however, the comparative want of capital, is the principal obstacle to the introduction and advancement of manufactures in America, it seems that the most efficient, and most obvious remedy would consist in supplying that capital. For although the extension of banks may give some assistance in that respect, their operation is limited to a few places, nor does it comport with the nature of those institutions to lend for periods as long as are requisite for the establishment of manufactures. The United States might create a circulating stock, bearing a low rate of interest, and lend it at par to manufacturers, on principles somewhat similar to that formerly adopted by the states of New York and Pennsylvania, in their *loan offices*. It is believed that a plan might be devised by which five millions of dollars a year, but not exceeding in the whole twenty millions, might be thus lent, without any material risk of ultimate loss, and without taxing or injuring any other part of the community."

VALUATION OF OUR CITIES. We meet with the following items in sundry papers.

Boston—real estate,	$39,145,200
Personal estate,	23,028,200
Total,	$62,173,400
Total tax,	$320,000
New York—real estate,	$104,042,405 00
Personal estate,	42,260,213 00
Total,	$146,302,618 00
Total tax,	$655,385 74

Philadelphia—(real estate) is put down at $25,818,144. Boston and New York, probably include the estimated values of the *counties* in which they stand, as well as of the cities, proper. Philadelphia means the *city* proper, which does not contain half the population of what is called, and really is, (except in corporate relations) Philadelphia.

But these valuations are a poor guide to just comparisons. The *manner* of making them is almost every where different, and arbitrary. They are none the worse on this account for local purposes. But we cannot see any reason why all such valuations should not be made at the estimated *money-price* of the property. The official value of Baltimore hardly exceeds one-third of its money value, and so it may be elsewhere.

CHRONOMETERS. For the purpose of encouraging and improving the manufacture of these useful instruments, the British government offer annually £500 in premiums for such as shall be found to perform best during a twelve months' trial at the royal observatory. From an inspection of the monthly reports, issued from that institution during the trial recently closed, we find that out of the number sent in, (sixty-two) the best was declared to be that by Messrs. Molyneux & Sons, No. 1,038, which took the first premium—having performed with an accuracy almost incredible—its actual variation from its rate in twelve months, being only sixty-seven hundredths of a second.

THE ENGLISH CHURCH. Mr. Hume has called for a return, which the house of commons has ordered to be printed, showing the number of resident and non-resident clergymen, the number of curates, the amount of their stipends, &c. for the year 1831, to which we would earnestly recommend to every church reformer to direct his attention. By this return it appears that out of the 10,560 benefices in England and Wales there are only 4,649 which have resident incumbents. Of the remainder there are 2,506 incumbents who are non-residents by exemption, 1,968 who are non-residents by license, 509 absent without license or exemption, 412 who have made no return as to residence, and 183 who have made no return at all. There are 115 benefices vacant; and in the few that remain the clergymen are non-resident, from different causes, more or less valid. It is but fair to state that this enormous number of non-resident incumbents have among them 1,648 who, in the words of the return, perform the duties of their respective parishes.

WATER IN THE DESERT. Two persons who understood the business of boring for water, were lately taken to Egypt by Mr. Briggs, then consul at Cairo. They were employed under patronage of the pacha, to bore for water in the Desert. "At about thirty feet from the ground (says the Repertory of patent inventions) they found a stratum of sand stone; when they got through that, an abundant supply of water was procured. We believe the experiment has succeeded in every place where it has been made. The water is soft and pure." In the desert of Suez a tank has been made, of 2,000 cubic feet contents, and several others are in building. It is a question worthy of philosophical consideration, what may be the effect of this discovery on the civilization of Egypt and Arabia—the fertilization of the soil—the increase of population, and the advantages derived by that commerce to which the barren and arid deserts have presented so many obstacles. [*Boston Eve. Transcript.*

PATRONAGE. *From the "Pennsylvanian" of May 3.* During the last few days, we have received an accession to our subscription list of *one hundred* good democratic names from the single city of *Albany*, N. Y. When the editor of the Standard hears this, he will jump out of his breeches with vexation.

FOREIGN NEWS.

From London papers to the 1st April, inclusive.

GREAT BRITAIN AND IRELAND.

The failure of the great house of Alexander & Co. Calcutta, for *four millions* sterling, had caused an extraordinary sensation among the monied men, and interests, in London.

Thirty ships were fitting out at London to carry emigrants to Canada, New South Wales and Van Dieman's Land, and ten had just sailed. One was about to leave for New South Wales with more than three hundred females—so many berths being already taken.

American stocks, March 28th.—United States bank shares £22 a £22 10; Pennsylvania fives, 108; Ohio sixes, 114; Louisiana state, 104; Baring's do. 98½; Mississippi sixes, 108.

Lord Durham has resigned the privy seal, and other changes in the ministry are speculated on.

About the 25th of March last, there arrived at London 130 vessels in one day—50 of them from foreign ports, and chiefly large ships. It is mentioned that for several years so large a number had not arrived in a single day.

The latest accounts from Ireland, give lamentable details of the anarchy and crimes perpetrated in that unhappily-doomed island. "Plague, pestilence, famine and murder" seem to be the litanic and legislative causes of the day. Trials were accumulating in all parts for murders, conspiracies, and connexion with secret societies. The catholic hierarchy, in synod, have denounced such illegal bodies, and have ordered the priests throughout the country to refuse absolution to any person convicted, or known in any way to belong to, or abet such societies. How long will this state of things continue, when not all the coercion of a misguided legislation, nor the denunciations of an influential hierarchy can deter from crime, or restore to order?

Awful declaration against Irish landlords. We take from the Wexford Freeman, the following description of two men named Redmond and Jackman, convicted of the barbarous murder of the Madoxes:—

Upon the announcement of the verdict, the prisoner, John Redmond, in a firm and distinct tone of voice, said—

"The verdict is right, so far as I am the man who committed the murder; but as for Nicholas Jackman, he is as innocent of it, or any participation in it, as (pointing to the bench) your lordship. Jas. Jackman, who was condemned yesterday, is also innocent."

This declaration produced a thrilling effect, as well upon the bench and jury, as upon the by-standers, all looking at each other in stupor and silent amazement.

Digitized by Google

"Yes," resumed Redmond, "I am the man who committed the murder, and for which I am willing to suffer. Bad landlords and bad agents have driven me to commit the desperate deed. My old father, who had grown grey upon the farm, and his numerous and helpless family, being thence expelled by them. My father was in arrears five pounds; it was the last five pound note he had, he went and paid it down, and after all was ejected. I say again, bad landlords and bad agents have forced me to seek this desperate redress. I was resolved upon vengeance, and now that I have taken it, I am content to die."

Poor Jackman, who all the while stood in a trembling attitude; his face as pale as death, now fell upon his knees, saying—

"My blood be upon the jury who condemned me, for as I hope to appear before my Creator, I am perfectly innocent."

PORTUGAL.

The London papers have long details of proceedings at Oporto. It appears that the Miguelites had made two fierce attacks on Oporto in March last, in both which they seem to have been defeated, with a heavy loss; but nothing definitive has happened.

An attempt has been made to arrest admiral Sartorius, but he made prisoners of the persons appointed for that purpose; and things had proceeded so far that the admiral would probably blockade Oporto! But another account says, that the misunderstanding between him and Donna Maria's regency, had been settled.

FRANCE.

Changes in the ministry are talked of, but nothing important is mentioned as having recently occurred.

HOLLAND AND BELGIUM.

The affairs of these kingdoms remain as they were—unsettled.

TURKEY AND EGYPT.

A Russian squadron remained in the Bosphorus—which gave much uneasiness to French politicians; and it is intimated that some coldness existed between the two courts on this account.

Ibrahim Pacha has taken possession of Smyrna. He made the governor a prisoner, and seized all the Turkish property on board of vessels in that port: and yet it is given out that an arrangement between the sultan and Mehemet Ali had been made. It is said that M. claims only to hold Syria as a pachalic under the supremacy of the porte, to which he acknowledges himself tributary, and to have Egypt declared an hereditary government in his family. It is added, however, that Russia is opposed to the independence of Egypt, which is advocated by France and England.

The St. Petersburg Gazette, contains a report of the proceedings adopted by the emperor towards the Ottoman empire, and of their results at Constantinople. The sultan is reported to have been highly gratified by "the splendid proofs of the exalted regard of his majesty the emperor, for the interest of the Ottoman empire," and has made arrangements to avail himself of the aid of Russia, should events require it.

GERMANY.

The king of Wirtemburg has had a collision with the assembly of the states, and abruptly dissolved them. The reason was their refusal to sanction and adopt the tyrannical edict of the Frankfort diet. A rumour was current in Paris on the 30th, that the Prussian ambassador had received an official notification of a resolution by the German diet to suspend, for five years, the representative chambers throughout Germany.

GREECE.

Trieste, March 18. The last accounts from Corfu confirm the news, that all parties in Greece have made their submission, and that universal tranquillity prevails. Trade is resuming its activity. New ships are already constructing on the south side of the Morea, as well as in the dock yards of Galixidi, in the Bay of Corinth.

FOREIGN ARTICLES.

Irish disturbances bill.

A motion for the third reading of the Irish disturbances bill was made in the British house of commons on the 29th of March. A long, but not very interesting debate ensued.

Mr. *Cobbett* moved, as an amendment, that the bill be read a third time that day six months—Mr. *Fielden* seconded the amendment.

The third reading was opposed by Mr. Clay, sir S. Whalley, Mr. Langdale, Mr. Ruthven, Mr. Barron, Mr. M. O'Connell, Mr. Hume, Mr. Bellew, and Mr. E. Ruthven; and was supported by Mr. Wilbraham, Mr. Poulter, Mr. Barnard, sir H. Verney, Mr. H. Dare, Mr. G. Young, Mr. Ward, Mr. Lamont, Mr. D. Brown, Mr. Petre and sir J. Tyrrell.

Mr. *O'Connell*, in opposing the bill, warned the house of the consequences of passing such an act, which would exasperate the Irish people, and be the sure means of effecting a separation between England and Ireland; for though the original horrors of the bill had been mitigated, it was sufficiently atrocious to rouse the indignation of his countrymen.

Lord *Althorp* replied. Crime, he said, was as great as ever in amount, life and property as insecure, as when the bill was first brought in. The honorable and learned gentleman, (Mr. O'Connell), said that the waters of liberty required agitation, but if they did require perpetual agitation—if freedom could not exist with peace and order, it was not the freedom, or the definition of tha freedom, which he had been taught from his youth upwards to love, (hear, hear.) One of the great merits of liberty—one of its most endearing qualities, was that it provided for the peace and happiness of all. Liberty was not that state in which one party only could express its sentiments, (hear), in which men who voted according to conscience in their legislative capacity, were to be denounced as traitors to the best interests of their country, (cheers.)—That was not what he called liberty, (hear.) Again, the honorable and learned gentleman had asked what country required agitation so much as Ireland? He, (lord Althorp), would rather ask what country required quiet more? (Cheers.) The honorable and learned gentleman also said that Ireland had never been injured, save by her own sons. In that position he fully agreed with the honorable and learned gentleman; and would further add, that it had never been more grievously injured by her own sons, than of late years, (hear, hear.) All Ireland's real grievances had been freely admitted by the government and the parliament, and both were steadily bent on applying proper remedies to them, (cheers.)

The house then divided—for the third reading, 345—for Mr. Cobbett's amendment 76—majority 269.

The bill was then read a third time and passed.

BRITISH HOUSE OF LORDS—MARCH 28.

Negro slavery—intentions of ministers.

Lord *Suffield* said he had several petitions on the subject of slavery in his hand, which he was induced by peculiar circumstances to present to their lordships at an earlier period than he had at first intended. Certain rumors had lately been afloat respecting the plan of emancipation to be proposed by government, which he confessed had produced in his mind, and he believed in that of the public, the greatest consternation. He did not mean to say that those rumors had lessened the general confidence which he was disposed to place in his majesty's ministers, or cause him to regard with distrust their intentions with respect to the particular question to which the petitions he held in his hand referred. He felt convinced that the principles of his noble friends near him were sound and right, and he had no doubt that they were fully disposed to act upon them; but yet he was not blind to the formidable array of prejudice and false notions of self interest with which they had to contend. He was anxious, therefore, to obtain for them such support throughout the country, and such a decided expression of the national feeling, as could alone enable them to encounter the opponents of the settlement of this question.—The petitioners prayed for a total and immediate emancipation; and he could assure their lordships that nothing but total and immediate emancipation would satisfy the country. He wished, however, to explain, that by the expression "immediate emancipation" was meant—not that the slaves should be at once liberated on the sending out of a despatch, or the sailing of a ship—but that at the earliest possible period there should take place a substitution of legal restraint for the present absolute and irresponsible power of the slave master.

Lord *Goderich* said it was obviously impossible for him to give any answer to the rumors which his noble friend said he had heard respecting the supposed intentions of government on the subject of negro emancipation. He did not think it at all incumbent on government to offer explanations relative to rumors stated on such loose authority as newspaper report. It was not his duty to state at the present time what communications had taken place between the government and different parties on this subject; but, aware as he was of the importance of submitting it at the earliest possible period to the decision of parliament, yet we must take the liberty of saying that if the wish of the noble baron opposite—that this question had been brought under the notice of parliament before the present time—had been realized, the result would have been any thing but advantageous to the safe and satisfactory settlement of the question. (Hear hear).

The duke of *Buckingham* regretted that the measure of government on the subject of emancipation had not yet been brought forward. To the government and not to the West India proprietors, was to be attributed the blame of all the delay. The government had communicated with a portion of the West

Digitized by Google

India interest, and to them they had told their hopes, their wishes, and their disputes, which were kept a secret from the general body of West India proprietors.

Earl *Grey* said there was no doubt that this question was one of deep importance; and however anxious he might be to have it settled, he was still as anxious that all circumstances connected with it should be carefully examined, and the co-operation of all parties interested procured. However easy and popular it might be to attack ministers for delay, he was content to submit to any imputation of that kind, provided that he avoided the greater danger of precipitation, of which the only result could be an unsatisfactory and unsafe settlement of the question. As to communications that had taken place between government and other parties on this subject, he did not think that the noble duke would impute it as a crime to them that they had endeavored to ascertain the opinions of the West India body, and to obtain their co-operation in a work which was beset with difficulty and danger.

The noble duke complained that the government had communicated with a select portion of the West Indian proprietors. How would he have had the government act? Would he have had the ministers go to a general assembly—to a meeting at Exeter hall—and there publicly declare their intentions? All that ministers could do was to consult those privately whom they knew to be opposed to them, but in whom they had the greatest confidence, in order to ascertain in what way their objections could be met. Of course it would be inconsistent with his duty to throw out any hint respecting the nature of any plan which it might be in the contemplation of ministers to propose. All he would say at present was, that the attention of government generally, and of his noble friend near him, had been directed carefully to this great subject, with a view to bring it, as speedily as possible, to a satisfactory settlement. He could not say what the rumors were to which his noble friend had alluded; for such rumors the government were not responsible, and it could not be expected that they should enter into any explanation with respect to them. To declare immediate emancipation would undoubtedly make short and easy work of the matter, but he confessed that that was not the way in which he wished to deal with the question; and he was glad to hear from his noble friend's explanation that the word "immediate" was not to be taken as meaning immediate [laughter], but the earliest period at which emancipation could take place with safety to all the interests concerned. He (earl Grey) was anxious for the abolition of slavery, but he was not prepared to declare for immediate emancipation, without considering the consequences that might flow from such a measure.

The duke of *Richmond* begged leave to emphatically deny that there were any disputes or differences in the cabinet in relation to the West India question.

The plan of liberation.

We extract the following from the London Standard, in which it was given as a faithful outline of the government plan, for the settlement of the West India question:

A loan of 20 millions is to be negotiated upon the credit of the colonies. The legislative assemblies of those colonies which have any are to be called upon to guarantee this loan, and in the colonies which have not legislative assemblies, some agreement is to be come to with the planters for the like purpose. The loan is to pay an interest of five per cent.—one per cent. being reserved for the creation of a sinking fund and the remaining sum to be payable to the subscribers.

The money so raised is to be applied as follows to the immediate emancipation of the whole negro population:

The planters are to be paid an ad valorem price ranging between £10 and £20 per head, for their several slaves. The slaves then, de facto, cease to be the planter's property, and become the indented laborer, as it were of the public. They are, however, to be held in gangs upon the estates in the cultivation of which they are employed.

They are to be compelled to work six days of the week and the compulsory instrument is to be supplied by a numerous and efficient white police, acting under a subordination of magistrates communicating with the several colonial governors.

CONDITION OF THE PEOPLE OF IRELAND.

From the American Almanac for 1833.

According to the returns of houses in 1791, there were—

Houses inhabited by paupers,	112,556
Houses having only 1 hearth and not inhabited by paupers,	515,346
Houses having 2 hearths,	32,785
Houses having 3 hearths,	10,216
Houses having more than 3 but less than 9 hearths,	23,299
Houses having from 11 to 144 hearths,	9,900
Total,	704,102

This statement indicates what is notoriously the fact, that the great mass of the people of Ireland are extremely poor. The number of inhabited houses, since the above date, has much increased: in 1821, it was 1,142,602; but the condition of the people has probably not been on the whole, improved. "Four mud walls with one entrance, and frequently without either window or chimney, constitute an Irish hovel. The rent of these cabins is from one to two guineas a year. To each cabin there is commonly annexed about one acre of ground, which is cropped with potatoes, oats and flax. There are numbers of peasants who have not a bedstead, nor even a truckle bed-frame. They sleep on a bundle of straw or heath, laid on the clay floor; sheets are scarcely known, and their blankets are scanty and tattered. Their food is almost entirely potatoes and milk, and their fuel turf."

The habitation of the Irish peasant is described by Mr. Bicheno as follows:—"It is built by the occupier of the soil out of the materials which he finds on the spot. The four walls are of dirt, mixed with rushes or straw beaten up with it. The floor is the earth. The roof is constructed of bogwood fastened together with pins of the same, or tied with rude cordage made of grass or rye-straw, which is a favorite material. The covering is sods or perhaps a thatch of heath. If a window be indulged in, it consists of a single pane of glass, built in with the wall. There is a door-way, but frequently no door; its place being supplied by a straw mat. The chimney, if there be one, is a square frame of wood work, wrapped round with wattles of hay plastered with clay. The smoke indeed seldom escapes by its lawful channel, but makes its way as it can, by every pore through the roof, walls and door. The general aspect of these hovels at a distance is that of heaps of dung reeking with the steam of their own fermentation."

"No country upon earth," says Mr. Bryan, in his Practical View of Ireland, "has exhibited so stern an evidence of the fatal power of an oligarchy to counteract the bounties of heaven as Ireland. Her soil has been proved by the clearest experiments to be superior to that of England; yet 5,000,000 acres are at this day undisturbed by the plough or spade; her seas abound with fish, and some of the finest fishing banks are in sight of her shores; yet the Irish peasant on the first failure of his potatoe crop, dies of hunger. In this country we behold capacious jails, extensive barracks and crowded hospitals; and in their vicinage the clay-built habitations of the people, whose food is roots—drink, water—and beds, straw;—all manifesting their moral and physical degradation. In one year 20,000 persons have perished from famine and 8 millions' worth of produce exported. Mr. Nimmo, the government engineer, states the yearly expenditure on idle beggars to be £1,500,000: soldiers cost £1,300,000: police, £250,000: total $3,050,000 for idle consumers, to keep Ireland in a state of misery, famine, idleness and insurrection, where there is no security for life or property."

"More than £12,000,000," says Mr. Bryan, "is annually taken from *direct* investment in Irish industry; £4,000,000 of absentee rent; £2,000,000 invested in the funds; more than £5,000,000 of taxes; £600,000 for tithes, if we consider the whole island brought under the composition act, and make our estimate from the 1,200 parishes now under it; £600,000, the rent of glebe and bishops' lands. The tyranny of the Irish landlords is almost incredible." "The rents," Dean Swift affirmed in his time, "are squeezed out of the very blood, and vitals, and clothes, and dwellings of the tenants, who live worse than English beggars." Mr. Bicheno remarks, that "there are many liberal landlords; but still as a class, they are needy; exacting, unremitting, harsh, and without sympathy for their tenants." "The Irish landlord," says the Quarterly Review, November, 1831, "is not even restrained by the check of fear which operates on an eastern despot, lest extremity of suffering should drive his *ryot* peasants to desperation and endanger the security of his power and property. *He* depends on an *English army*, maintained by *English taxes*, for the collection of the amount of his bond, and for securing the passive submission of his tenantry to any exactions he may choose to inflict. There can be no question of the various classes of peasantry, the Irish cottiers stand the most thoroughly destitute and alone in the time of calamity, are the most entirely at the mercy of their own landlords, and, as a body, occupy the lowest, the most helpless, and utterly hopeless position. It is only the circumstance resulting from the proximity of England—the facility, namely, of procuring money and suppressing insurrection—which creates the peculiar pow-

Digitized by Google

er of extorting high rents possessed by the landlords of Ireland, and places the cultivator of the soil of that country in a situation of unexampled hardship. May the common legislature, by extending the benefit of the English poor laws to that portion of the empire, speedily remove this dreadful state of things, which, so long as it exists, is an indelible disgrace to a nation that prides itself on standing at the head of civilization, on the benevolence of its character, and on the equality, the justice, and impartiality of its institutions!"

"The Irish proprietors," says Mr. Bryan, "reside chiefly in England, indulging in luxurious ease and comfort, and participating in all voluptuous amusements, purchased by means of the toil and blood of thousands of their fellow creatures." The cultivator receives barely what keeps him alive. "The potatoe is the only produce he reserves to himself. All the rest, cattle, corn, butter, pigs, poultry, eggs, go to the landlord." Bicheno. "The average rate of rural wages for men, in the whole country, is 10*d.* a day; in some districts it is only 8*d.* And when the days, nay, weeks and months, in which great numbers of laborers cannot obtain employment, are deducted, what a wretched remuneration is even 10*d.* a day? When the employment is constant, this remuneration is insufficient. It is but 5*s.* a week: out of which deduct 10*d.* a week for house rent, and 3*s.* 6*d.* for potatoes to give a family three meals a day, allowing 28 lbs. for each day, at 8*d.* a stone, a low average for the whole country throughout the year, and but 8*d.* a week, or £1 14*s.* 8*d.* a year would remain to provide fire and clothing for the family. There would be nothing for salt, milk, or any kind of sustenance other than potatoes washed down with water. The Irish are not singular in being turbulent, when suffering privations or oppression; but they are singular in bearing so much of both before they become turbulent." *Commentaries on Ireland*, 1831. "The people, naturally hardy, easily subsisted, and singularly vigorous, laborious and intelligent, when we consider their opportunities," says Bryan, "are yet one-eighth of them paupers, and almost all restless, insubordinate, and embittered against the laws and present system of government."

ORIGIN OF THE BRITISH SLAVE TRADE.

The following statements respecting the origin and history of the British slave trade, are from the London Courier.

The slave trade was instituted in the reign of queen Elizabeth, who personally took a share in it. At that time the West India colonies did not exist.

In 1662, Charles II. granted an exclusive right in the slave trade to queen Catharine, the queen dowager, the duke of York, and others, who formed themselves into a trading company, they undertaking to supply the West India planters with 3,000 slaves annually. In the same year that monarch issued a proclamation inviting his subjects to transport themselves to Jamaica, agreeing to allot lands to every individual who would go to reside in the island, and signify his resolution to plant there.

The slave trade continued to be fostered during the reigns of Charles II. and James II. but still under a monopoly.

In 1679, petitions from the manufacturers in Great Britain of woollen and other cloths, and the makers of the various articles necessary to the slave trade with Africa, were presented to parliament, alleging that the trade was cramped by being in the hands of an exclusive company, and praying that it might be opened.

In consequence of these and similar petitions to the house of commons, a committee of the whole house, in 1695, resolved, "That for the better supply of the plantations, all the subjects of Great Britain should have liberty to trade to Africa for negroes, with such limits as should be prescribed by parliament;" and by statute 9 and 10 William III. c. 26, the trade was accordingly laid partially open, the preamble of that act stating, that "the trade was highly beneficial and advantageous to the kingdom, and to the plantations and colonies thereunto belonging."

The manufacturers of Great Britain, however, were still dissatisfied with the restrictions imposed upon the trade. They continued to ply the legislature with petitions to give greater latitude to a traffic, by which they exchanged their goods for negroes, and sold those negroes to the West India proprietors.

From 1711 until 1749, the demands of the manufacturers for a more unrestricted trade continued to be the subject of parliamentary investigation and dispute.

At length, in 1749, the statute 23, Geo. II. c. 31, was passed, which removed all obstruction to the operations of private traders, declaring "the slave trade to be very advantageous to Great Britain, and necessary for supplying the plantations and colonies thereunto belonging, with a sufficient number of negroes at reasonable rates."

To show the light in which the courts viewed the slave trade, the following is quoted from the report of a case referred to the judges for their opinion by the crown on the Assiento contract. The judges say: "In pursuance of his majesty's order in council hereunto annexed, we do humbly certify our opinions to be, *that negroes are merchandise;* that it is against the statute of navigation made for the general good and preservation of the shipping and trade of this kingdom, to give liberty to any alien to trade in Jamaica, or other his majesty's plantations, or for any shipping belonging to aliens to trade there, or to export thence negroes," &c. And the certificate is signed by lord C. Holt, justice Polexfen, and eight other judges.

Neither does the case rest here. The colonies anxious to limit the trade, passed laws imposing a duty on negroes imported. Great Britain refused to sanction any laws having such a tendency. The colonies began in 1760. South Carolina, then a British colony, passed an act to prohibit further importation.

Great Britain rejected this act with indignation, and declared that the slave trade was beneficial and necessary to the mother country. The governor who passed it was reprimanded, and a circular was sent to all other governors warning them against a similar offence.

The colonies, however, in 1765, repeated the offence, and a bill was twice read in the assembly of Jamaica for the same purpose of limiting the importation of slaves, when Great Britain stopped it, through the governor of that island, who sent for the assembly, and told them that consistently with his instructions he could not give his assent; upon which the bill was dropped.

At a later period, 1774, another attempt to the same purpose was made by the assembly at Jamaica, who passed two bills to restrain the importation of negroes. This was met by letters from lord Dartmouth, the secretary of state, to sir Basil Keith, the governor of Jamaica, stating that, "the measures had created alarm to the merchants in Great Britain engaged in that branch of *commerce,*" and forbidding him upon "pain of removal from his government to assent to such laws."

The despatch proceeds:

"At the same time, I am to acquaint you that the alarm taken by the merchants of this kingdom, on account of that act, has been greatly increased, and fresh complaints of a very urgent nature, have been made by them, from their having received advice, not only that such additional duty has been continued for another year, by an act passed in November last, but that propositions have been adopted for laying the slave trade under further restrictions, and subjecting it to impositions that will have the effect of an entire prohibition.

BRITISH WEST INDIA COLONIES.

The following information, respecting the British West India colonies, acquires more interest at this time, when their future fate depends on the measures which may be adopted by the British government, with regard to the slave population:—

Estimates of the value of the British West India colonies, as taken from the report of the select committee of the house of lords, and recently published in London.

British colonies.

Jamaica	£58,126,298
Barbadoes	9,089,530
Antigua	4,364,000
St. Christopher	3,783,800
Montserrat	1,078,440
Nevis	1,750,100
Virgin Islands	1,093,400
Grenada	4,994,365
St. Vincent	4,206,866
Dominica	3,056,000
Trinidad	4,932,705
Bahamas	2,041,500
Bermudas	1,111,000
Honduras	5,787,600
	£105,415,604

Ceded colonies.

Demerara	£18,410,480
Berbice	7,415,160
Tobago	2,682,920
St. Lucia	2,529,000
	£31,037,560

So that the whole amount is not less than £136,453,164.

The subjoined table, embraces satistical information important as exhibiting the relative number of blacks and whites in the British West Indies, and as furnishing data from which to estimate the amount of property which may be suddenly struck from the hands of the colonists, will not be uninteresting to our readers.

Chartered colonies.	*Whites.*	*Slaves.*	*Free blacks.*	*Governors.*
Jamaica	15,000	331,000	40,000	earl of Belmore.
Barbadoes	15,000	81,000	5,000	sir James Lyon.
Antigua	2,000	30,000	4,500	sir Patrick Ross.
Grenada	800	24,500	3,700	sir Jas. Campbell.
St. Vincent	300	23,500	8,900	sir George F. Hill.
St. Christopher	1,800	19,500	2,500	Wm. Nicolay.
Nevis	800	9,000	1,800	" Boothby lt. gov.
Virgin Isles	800	5,400	607	Jas. Bathurst, lt. g.
Dominica	800	14,500	3,600	
Tobago	350	12,700	1,200	Nat. Blackwell.
Montserrat	500	6,000	700	sir P. Stewart lt. g.
Bahamas	400	9,500	2,800	sir Jas. C. Smith.
Crown colonies.				
Trinidad	13,500	23,000	16,000	Lewis Grant.
St. Lucia	1,000	13,500	4,000	

FRENCH LIBERTY OF THE PRESS.

Paris, March 21. Yesterday, at noon, the court of assizes assembled to pronounce judgment in the affair of M. Paulin, editor of the National, and that of M. Cuchet, editor of the Charivari. The judges remained in deliberation in the council chamber till a quarter past five, when they entered the court and delivered judgment. M. Cuchet was dealared guilty of having, with bad faith, given an unfaithful report of the proceedings on the late trial, and condemned to a month's imprisonment and a fine of 5,000f. with prohibition to make in the Charivari any report on judicial proceedings for the space of one year. M. Paulin, for the same reason, was also condemned to a fine and term of imprisonment, with interdiction to report judicial proceedings in the National for two years.

The Tamps has the following:—"If these judgments are carried into execution, there is an end to the freedom of the press. However much accustomed we may be to the enormity of judgments by default, this surpasses all our powers of expression. The restoration, which for fifteen years was engaged in sacrificing our liberties, presents only one example of such an excess of power. We do not, however, entertain any apprehension for the ultimate fate of our brethren—the court of Cassation will do justice to this decree, which is already rejected by public opinion. A painful impression must nevertheless remain. On seeing the judges of the land eagerly joining the administration in its acts of violence, men begin to ask each other whether the contest, which was carried on between the restoration and the press, is not about to be renewed, and whether it may not terminate in another revolution?"

March 22. The Tribune and the Echo Francais of yesterday were seized—the former for its leading article relative to the condemnation of the National and Charivari, and the latter for having copied the same article.

LONDON POLICE.

The following is a list of the number of prisoners taken into custody by the metropolitan police, and the result of the charges, in the year 1832:

Males	49,890
Females	27,653
Total	77,543
Drunken persons dismissed when sober by the superintendents.	
Males	15,411
Females	10,291
	25,702
Taken before magistrates	6,934
Total	32,636
Summarily convicted by magistrates.	
Males	16,052
Females	7,406
Total	23,458

Committed for trial by magistrates.	
Males	2,700
Females	956
Total	3,656
Discharged by magistrates.	
Males	15,727
Females	9,000
Total	24,727
Convicted and sentenced.	
Males	1,813
Females	496
Total	2,309
Acquitted, bills not found, or not prosecuted.	
Males	603
Females	294
Total	897

In the last year there is an increase of 4,719 persons taken into custody by the metropolitan police, compared with the preceding one.

A list, containing the number of persons apprehended by the force, the nature of the offences with which they have been charged, and the disposal of each charge, has been printed by the commissioners, and sent to the different police offices.

NAMES OF FORTIFICATIONS;

HEAD QUARTERS OF THE ARMY.

Adjutant general's office, Washington, April 18, 1833.

The secretary of war has given the following names to the forts to be constructed and situated on the points and places here below mentioned.

To the work on Grand Terre, Louisiana—Fort Livingston.

To the work on Mobile Point, Alabama—Fort Morgan.

To the work on St. Rosa Island, Florida—Fort Pickens.

To the work on Cockspur Island, Ga.—Fort Pulaski.

To the new work now constructing in the harbor of Charleston, South Carolina—Fort Sumter.

To the work on Oak Island, North Carolina—Fort Caswell.

To the work on the Pea Patch, Delaware river—Fort Delaware.

To the work on Throg's Neck, New York—Fort Schuyler.

To the work on St. George's Island, Boston harbor—Fort Warren. By order of maj. gen. Macomb,

R. JONES, *adj. gen.*

CANAL TRANSPORTATION.

From the Cincinnati Gazette, 13th inst.

We are indebted to Messrs. Mills and Townsend, agents for the New York and Ohio transportation lines, for the following communication received by them from Alfred Kelly, esq. acting canal commissioner of the Ohio canal:

"Persons engaged in commercial pursuits, and particularly those who receive merchandise from the eastern cities, or send property of any kind to those cities, will be interested in learning that such important reductions have been made in the rates of toll, both on the Erie canal of New York and on the Ohio canal, as will materially reduce the cost of transportation between the western country and the seaboard, by way of the lake and the canals.

"On the Erie canal of New York, the tolls on the staple articles of agricultural produce, such as flour, wheat, beef, pork, lard, whiskey, &c. have been reduced from 7 to 5 mills per 1,000 lbs. per mile, and on merchandise coming from tide waters, from 14 to 12 mills per 1,000 lbs. per mile.

"On the Ohio canal, the toll on the staple articles of agricultural produce, in all distances beyond 200 miles, have been reduced from 5 to 3 mills per 1,000 lbs. per mile. The toll charged on the staple articles of agricultural produce from Portsmouth to Cleaveland is 15 cents 8 mills per 1,000. Sugar and molasses in hogsheads or barrels, cotton in bales, and manufactured tobacco, transported from the Ohio river to the lake, throughout the whole length of the Ohio canal, and charged with toll at the rate of five mills per 1,000 lbs. per mile. Under the present rates of toll, flour may be transported from Cleaveland to New York for $1 00 per barrel, covering all expenses, and for about $1 62 from Portsmouth, and other staple articles at the same prices, according to weight. Merchandise may be delivered at Portsmouth from the city of New York for $2 25 per 1,000 lbs. and at Cincinnati $2 37½ to 2 40, covering all expenses at intermediate points.

"On lake Erie arrangements have been made to have 2 steam boats leave Buffalo every day for Cleavaland, and the other for Detroit by way of Cleaveland. One steamboat leaves Cleaveland for Buffalo, and one touches at Cleaveland on its way from Detroit for Buffalo each day. This arrangement will expedite the transmission of goods between New York and the western country, and together with the arrangements made for the tow boats on the Hudson river, will prevent those delays in the forwarding of mercandise which have heretofore been the subject of complaint. The average time required to transport goods from New York to Portsmouth on the Ohio will not exceed 17 to 20 days."

OLD OPINION ABOUT NULLIFICATION.

The operation of a state veto on our foreign relations is not matter of conjecture; it is history, and is strikingly exemplified in the following letter from the duke of Dorset, to the American commissioners in 1785, at Paris. They, it seems, had made overtures to enter into a treaty of commerce with Great Britain: and this is his grace's answer. If the doctrines contended for by the Cooper party* in South Carolina, and his disciples Calhoun, Hayne & Co. should be established, such would be the language of every power in Europe to whom we might

*Great injustice is done to that celebrated man, Dr. Cooper, in designating the nullification doctrines as the work of Calhoun. He is the humble imitator of Cooper, who has the honor of being the true founder of the sect. Hamilton is without a rival in the part of Saide to this new political prophet.

Digitized by Google

apply, to make commercial or other arrangements with us. [*Washington Globe.*

From the duke of Dorset to the commissioners.

Paris, March 26, 1785.

GENTLEMEN: Having communicated to my court the readiness you expressed in your letter to me of the 9th December, to remove to London, for the purpose of treating upon such points as may materially concern the interests, both political and commercial, of Great Britain and America, and having at the same time represented that you declared yourselves to be fully authorised and empowered to negotiate, I have been, in answer thereto, instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested, whether you are merely commissioned by congress, or whether you have received separate powers from the respective states. A committee of North American merchants have waited upon his majesty's principal secretary of state for foreign affairs, to express how anxiously they wished to be informed upon this subject, repeated experience having taught them in particular, as well as the public in general, how little the authority of congress could avail in any respect, where the interests of any one individual state was even concerned, and particularly so, where the concerns of that particular state might be supposed to militate against such resolutions as congress might think proper to adopt.

The apparent determination of the respective states to regulate their own separate interests, renders it absolutely necessary, towards forming a permanent system of commerce, that my court should be informed how far the commissioners can be duly authorised to enter into any engagements with Great Britain, which it may be in the power of any one of the states to render totally fruitless and ineffectual. I have the honor to be, &c.

DORSET.

"THE STAR SPANGLED BANNER."

From the Cincinnati Republican.

The circular, copied below, has been received by a gentleman of this city. To say that the object intended in it meets our cordial approbation, is but imperfectly expressing our feelings. We love the *American union*—and we love every thing connected with its history that tends to throw glory and beauty around it. Sometime last winter, we published the speech of Mr. Poinsett, (made, we believe, in a meeting of the unionists, in Charleston, South Carolina), in which the almost magic triumph of our American flag, in Mexico, was related. No American, whose heart is still alive to the revolution, can read the little incident referred to in the circular, and which is so touchingly and eloquently described by Mr. Poinsett, without feeling proud of our union. The intention of the circular is to procure the means of embodying that one glorious triumph of the *star spangled banner* upon canvas—to construct from the circumstances a memento of our national greatness, flattering alike to our patriotism and our taste. Copies of the circular have, we presume, been sent to all the other cities in the U. States, and the funds necessary to the execution of the design will speedily be raised.

[CIRCULAR.]

Charleston, S. C. April 11th, 1833.

At the period of the revolution of the *Acordada*, which compelled the congress of Mexico to reverse the election of Pedraza and place Guerrero on the presidential chair, the city was taken by assault, and the army of Guerrero attacked and plundered the houses of the European Spaniards, who were peculiarly odious to the native Mexicans. Many of these had taken refuge in the house of the American ambassador, and it was pointed out to the exasperated soldiery as the asylum of their enemies. They rushed to attack it, and in a few minutes would have massacred all within its walls. At this moment, when hundreds of muskets were levelled at the windows, Mr. *Poinsett*, with his secretary of legation, Mr. *John Mason*, jr. threw themselves into an open balcony which overlooked the crowd, and, unfurling the STAR SPANGLED BANNER, demanded that all persons in his house should be protected while the flag of his country waved over them. The scene changed as by enchantment, and the very men who were about to make the attack, cheered the *standard of our union*, and placed sentinels to guard it from outrage. The history of the world presents no parallel to such a scene: and its moral beauty and grandeur should be equally preserved on the page of the historian and the canvas of the painter. It is therefore proposed to raise by subscription a sufficient sum to have *this illustrious triumph of our national flag* represented on canvas and afterwards engraved. The painting will be presented to some public institution of the state or United States.

The minute particulars attending the unfurling of the United States flag at Mexico, furnish materials for a splendid national painting. The sectional excitements, at the present existing among the states, are obliterating national feelings. These must be revived, the arts are powerful in their operation, and lasting in their influence. We must have national paintings, national songs, national celebrations, to excite and perpetuate national enthusiasm. Though it is difficult for the mind to calculate the value of the union, yet the hand of a master may successfully exhibit to a single glance, that national protection, which, like the pressure of the atmosphere, though omnipresent and powerful, is neither seen nor felt. The flag of every country is its emblem. It should command respect abroad—adoration at home. The man who loves and reveres not his country's flag, is prepared to violate her laws and destroy her institutions. To pourtray then the Star Spangled Banner overawing, in a foreign land, an infuriated and lawless soldiery, and protecting from revolutionary violence the objects of political hatred—is to spread before the eyes of our countrymen, and particularly of the rising generation, the unseen, but high moral protection afforded by a great, because a *united people*. The chief object, however, is to have this scene engraved, that the flag of our country may wave in every house, in every cottage, even every log house beyond the mountains; that our children may learn, before they can read, to love and reverence the emblem of their country's power, and may realize that it is their guardian and protector, not only on their native soil, but in a land of strangers.

The amount of your subscription you will please transmit to the joint address of

WILLIAM DRAYTON,
DANIEL E. HUGER, } *committee.*
BENJ. F. PEPOON,

☞And yet the "star spangled banner" was absent—at the late *grand* military celebration at Charleston.

THE PUBLIC CREDIT.

In a circular letter written by Messrs. Baring, Brothers & Co. of London, dated March 14th, 1833, we find the following account of United States stocks:

United States bank, per share,		£22 5s. to £22 10s.
Louisiana bank	do.	26 15s.
Louisiana state bank	do.	26 5s.
N. Orleans canal bank	do.	24 15s.
With dividend from 1st January.		
New York fives, 1845		£105 to 106
sixes, 1837 and 1845		——
With dividend from 1st January.		
Pennsylvania fives, 1856 and 1860,		105 to 107 10s.
With dividend from 1st February.		
Ohio sixes		114
Fives		——
With dividend from 1st January.		
Alabama fives		No buyers.

The letter closes in the following manner:

"Scarcely any thing is doing in American stocks: there are, however, fewer sellers, and confidence is, in a great measure, restored; but it will be a long time before they recover the favor to which they had reached before the violent proceedings in Carolina."

Here is evidence derived from the most respectable source, of the evil effects of such principles and such conduct, in one of the United States, as have been lately manifested in South Carolina. They necessarily shake all confidence in the character of our system of government, and the stability and permanency of the union of the states. The first visible effect is in the injury to our credit. It is impossible that it should be otherwise. When foreigners perceive that one of the states of which the union is composed, claims right to prevent the execution of the laws of the nation within its limits, and, in the pro-

Digitized by Google

secution of its opposition, adopts measures entirely subversive of the national authority and power, setting that authority at defiance, and arming its inhabitants to resist by military force the execution of the laws, it is not possible in the nature of things, that they should not lose their confidence in a government, which to them must appear so weak and insecure, as such a state of things would necessarily indicate. And it is worthy of remark, that the evil thus produced, does not primarily fall upon the state of South Carolina. Its effects are realized by the government of the United States, and in many instances by the people of the other states.

It is not likely that the United States will ever be reduced to the necessity of going abroad to borrow money, and therefore they will not be exposed to the effects of the loss of credit in that particular way: but when the character of their government is injured, and doubts of its stability and security are raised, the loss of credit necessarily follows, and every state, as well as individuals, must be, in greater or less degree, sufferers. The credit of many of the individual states has hitherto been, and still is good, abroad as well as at home. Much of this credit, however, arises from their relationship to the union, and its continuance in a great measure depends on the permanency of the national government. Let the union once be destroyed, and the states be "thrown back upon their sovereignty," and not only South Carolina, and other small states, but the great states of New York, Pennsylvania, Virginia and Ohio, would be most materially affected by such a state of things. Nor could any future union that might be formed between any number of the states, restore them to the ground they had lost; because the first attempt to maintain an united republican government over such communities having failed, and for no substantial cause, it is perfectly apparent that the world at large would place no confidence in the more fortunate result of a second experiment.

We are perfectly aware that reasoning against pride and passion is a hopeless task; and that men who are under the influence of the latter, and who wholly disregard the former, consider it a matter of far greater importance that their will should be gratified, than that the general interests of the country should be consulted, or the union and the constitution be preserved. This feeling may last for a while; but the tempers of men must eventually cool, and grow more moderate; and when the consequences of rash and violent measures are realized in their full extent, conviction will force itself upon their minds, and will add much to the poignancy of unavailing regret.

[*New York Daily Adv.*

THE PROTESTED BILL—ON FRANCE.

From the Washington Globe.

In order to counteract the misrepresentations which mischievous persons are making on the subject of the non payment by the French government of the bill drawn for the first instalment payable under the late convention between the United States and France, it may not be improper to state the facts.

The act of the 13th of July, 1832, having made it the duty of the secretary of the treasury to cause the several instalments, with the interest thereon, payable to the United States in virtue of the convention with France, to be received from the French government and transferred to the United States in such manner as he may deem best, and the nett proceeds thereof paid into the treasury, it was determined, after having obtained all the information necessary to a decision, to accomplish these objects by drawing on the French government, and disposing of the bill on the best terms that could be obtained for cash.

This course was deemed most advantageous to the interests of the claimants, as it would save the expense of commission which would otherwise have to be paid out of the fund, and as it would be free from all the risks of intermediate agencies. For this purpose offers were invited and many made. The highest price for the bill however was offered by the bank of the United States, being $1 for 5f. 37½ centimes. A bill was accordingly drawn by the secretary of the treasury upon the French minister of finance in favor of the bank of the United States, and the proceeds, being $903,564 89, were at the same time placed to the credit of the treasurer on the books of the bank. By the convention, the amount of the instalment was payable at Paris on the 2nd of February last; and as the bill was not drawn until the 7th of February, after the instalment was due, it was made payable at sight.

It is understood, however, that when the bill was received at Paris, no appropriation had been made by the chambers for the payment of the instalment, and it is believed to be owing altogether to that circumstance that the bill was not paid on presentation. The French government, it is not doubted, will promptly admit the right of the United States to be indemnified for any loss sustained by the non-payment.

Though notice has been given to the treasury by the bank that the bill has been protested for non-payment, it is not understood that it has yet been returned to the United States. The rumor of its having been paid by Messrs. Hostenguer & Co. is, probably, true, but if paid by them, whether it has been for the accommodation of the bank, or at the instance of the French minister or that of the American charge d'affaires at Paris, is yet to appear.

It will be recollected that at the last session, congress authorised the secretary of the treasury to lend these instalments on interest, upon a pledge of the stock of the United States, or of the bank of the United States, or to the bank of the United States. The secretary accordingly invited proposals for borrowing the proceeds of the first instalment, either by the bank itself, or by others on the pledge of its stock at par, it not being deemed advisable to invite an offer on the pledge of the United States stock, as that would withdraw it from the market, and thus place it beyond the reach of purchase by the commissioners of the sinking fund. It is understood that proposals were received for a part only of the proceeds—and in consequence of an objection being made by a highly respectable part of the claimants to the money being lent on such security, no decision had been finally made, and the amount of the proceeds of the bill has therefore remained *in the bank until this day.*

From the New York Commercial Advertiser, of May 2.

We have some amusing information to communicate, touching the French indemnity for spoliations upon American commerce, and the comparative credit abroad of the government, and the bank of the United States. It will be recollected that near the close of the late session of congress, an act was passed requiring the secretary of the treasury to invest the moneys to be received under the French treaty of indemnity, in the stocks of the bank of the United States. This act, however, as will appear in the sequel, was at least unnecessary—if the government is to act upon the principle of the excellent Mrs. Glass, who, in her directions for cooking a turbot, commences by saying—"first catch a turbot." In other words, it appears that there is no money forthcoming, just at present. Of the emptiness of Louis Phillippe's treasury, however, or of his indisposition to meet his engagements, Mr. McLane seems not to have been aware; and having literally "scraped" the bottom of the treasury, as was remarked by a member of congress at the close of the session, his only means of partially replenishing it was through the assistance of the much abused United States bank. For this purpose the bank, to accommodate the secretary, purchased a draft upon the French government, of about a million of dollars, being the amount, as we understand, of the first instalment which France was to pay on the first of February. The bank remitted the bill to the Barings, by whom it was sent over to Paris for payment. But the French government refused to honor the draft, and the bill was protested! The French bankers, however, for the honor of the bank of the United States—not of the government, be it understood—came forward in this emergency, and took up the bill! The reason assigned by the French ministers, as we are informed, why the bill was thus allowed to be dishonored, was, that the chambers have as yet made no appropriation under the treaty. But this is not all, if rumor speaks true. The public have witnessed the clamors raised by the opponents of the bank, against the act requiring the secretary to invest the funds supposed to be coming from France, in the stock of the bank of the United States. Their object was to decry the stock in every possible shape, so that by depressing its value in the market the Jackson speculators could purchase to better advantage in compliance with their contracts to deliver stock ahead. The unshaken confidence of congress in the soundness of the institution, however, operated severely against them, and their wits have been taxed in every possible shape in devising fresh schemes of frightening stockholders into the market with their scrip. The last of these devices, as the report goes, was to get up a memorial to the secretary of the treasury, signed by such Jackson claimants under the French treaty as could be found, protesting against the investment of the money in the stock of the bank, and praying Mr. McLane to disregard the act of congress, on the ground that the funds if invested in the bank would be insecure. A paper of this kind, it is said, was circulated in Philadelphia last week, and perhaps elsewhere. And it was just at this crisis in the movements of the opponents of the bank, as we learn, that the news above mentioned was received from the Barings, viz: that no funds were coming from the French—at least for the present; that the draft of our government had been dishonored; and that it was owing to the sound credit of the bank of the U. States, and not of the government, that an individual banking house in Paris had come forward, as above stated, to sustain our credit. The bank here having advanced the money to the treasury, must of course be reimbursed, to refund the foreign banker, and the treasury is but poorly prepared for the exigency. Under these circumstances, we cannot but admire the position in which the protesting French claimants have thrown themselves, by this last partisan attempt to injure the stock of the bank. *Query:* will not the government, as the drawers, be compelled to pay the damages to the bank, accruing on the protested bill? At twenty per cent. here will be a neat little item of loss to the government, and a gain to the bank of nearly two hundred thousand dollars. "The administration is in a blaze of glory."

Digitized by Google

P. S. The preceding article was written for last evening's paper, but was excluded for want of space. Since penning it, we have ascertained that a paper similar to that mentioned above, was circulated in Wall-street a short time since. It was not addressed to the secretary of the treasury—the proper officer in the premises—but "*To general Jackson*"—praying him to interpose and prevent the lending of the money to come from France, to individuals, on the pledge of stock *at par*—but not objecting, as we understand the case, to the loaning of it to the bank itself. It was believed, however, to be a stock-jobbing attempt to depreciate the scrip of the bank. But France has taken care that the claimants shall lose nothing by investments in the bank this year!

—

The *Paris Constitutionel* of the 23d of March has this statement:

It will be recollected that the French ministry fixed at twenty-four millions the amount of the claims of the United States of North America for vessels seized and sold under the republic. The government has not hitherto ventured to present to the chambers a treaty so disadvantageous to France. But the government of the United States has taken the ministers at their word, and it is affirmed that it yesterday caused a bill of exchange for four millions to be presented by M. Rothschild, and that the treasury caused it to be protested. It is added that M. Baguenault, who endorsed it, has paid the amount to M. Rothschild. This is a serious affair, for we much doubt whether the chamber will ratify in 1833, a treaty which the government of the restoration never would sign.

This paragraph presents the question in a new aspect. We think the Constitutionel must be mistaken. Surely the French chamber will not fail to make the proper appropriation. But if it does refuse what next? [*Phil. Inq.*

THE ASSAULT UPON THE PRESIDENT.

From the Alexandria Gazette, May 7.

An incident of a most painful nature occurred on board the steamboat Sydney, as she stopped here on her way down, yesterday. An assault was made upon the *president* of the United States by Mr. *Randolph*, late of the navy. At the first blow, we understand, almost a hundred arms fell upon the assailant, and he was with difficulty rescued and carried on shore. We have never known more excitement nor more feeling to be manifested by all our citizens. We are induced to mention this matter, which ought indeed never to be published, only because we know that reports of it will be circulated throughout the country, and printed elsewhere. It was an affair of a moment; but it is said, that, from the feeling produced, it is wonderful that the assailant escaped with his life.

So great was the public indignation at this outrage, that we believe almost any measure would have been adopted to express it. The president was naturally highly excited and exasperated. He departed amidst the cheers and good wishes of the great crowd which had assembled.

In the confusion of the moment, no attempt was made to arrest Mr. Randolph on the instant; but, the court being in session, he was immediately presented by the grand jury, and a bench warrant forthwith issued for his apprehension.

—

From the "Globe" of May 7.

A gentleman just arrived from Alexandria gives the following account of an atrocious attack upon the *president* of the United States, as he was on his way to Fredericksburg, where he had been invited to lay the corner stone of a monument about to be erected to the mother of Washington.

"The steamboat Cygnet, [Sydney,] in which the president and several members of the cabinet, accompanied by many other gentlemen, were going to Fredericksburg, stopped on her way for a few minutes at Alexandria. Many persons from the wharf came on board, and among them Mr. Randolph, late a lieut. in the navy. He made his way into the cabin, where the president was sitting reading a newspaper; and, advancing towards him, as if to address him, began to draw off his gloves. The president not knowing him, and supposing it was some person about to salute him, and seeing him at some difficulty in getting off his glove, stretched out his hand towards him, saying "never mind your glove, sir." Randolph, having then disengaged himself from his gloves, thrust one hand violently into the president's face, and before he could make use of the other, received a blow from a gentleman standing near with an umbrella. Almost at the same time two other gentlemen in the cabin sprung upon him, and he was pulled back and thrown down. The moment he was assaulted, the president seized his cane, which was lying near him on the table, and was forcing his way through the gentlemen who had crowded round Randolph, insisting that no man should stand between him and the villain who had insulted him: that he would chastise him himself. Randolph, by this time, had been borne towards the door of the cabin, and pushed through it to the deck. He made his way through the crowd on the deck and the wharf, being assisted, as is believed, by some ruffian confederates, and made his escape. He stopped for a few minutes at a tavern in Alexandria, and passed on beyond the district line. The grand jury, then in session, in a few minutes found a presentment against him, and the court issued a bench warrant. A magistrate had just previously issued a warrant; but before the officers could arrest him, he was gone."

From the Alexandria Gazette of May 8.

☞We are requested to say, that the term "blow," used in reference to the recent assault upon the president, was not correct. It may be well to say also, here, that the remark made in the Globe, relative to "ruffian confederates," is entirely erroneous. As far as we are able to learn, not a human being knew of the assailant's intention, and he was hurried from the deck of the boat, by gentlemen present, to prevent his being killed upon the spot, and not with any design of assisting him in an escape.

—

In the Register of the 27th ult. page 136, we inserted a notice from Mr. *R. B. Randolph*, late lieutenant in the navy, announcing that he had been dismissed, "after twenty-three years arduous service," though a court of inquiry had acquitted him "both as an officer and a gentleman" of certain charges which had been preferred against him, as a "public defaulter." And on Monday last, (the day of his assault on the president, but previous to making it), he caused to be inserted in the "Alexandria Gazette," an address to the public, which it now seems required of us to copy, as due to the extraordinary outrage stated above. We have followed the lead of the "National Intelligencer" in omitting a few lines, or words, of Mr. Randolph's address, for the simple reason—that their insertion would impose upon us the necessity, perhaps, of opening a controversy between individuals that would be profitless—in the present circumstances of the case. The lines or words omitted are rather of a personal character, than useful to Mr. Randolph's vindication of his conduct.

From the Alexandria Gazette of May 8.

TO THE PUBLIC.

Robert B. Randolph, late lieutenant in the navy of the United States, having recently announced his dismission from the service by the president, will now undertake, for the information of his fellow citizens generally, and of his late associates attached to the navy, to expose the circumstances which have led to this catastrophe.

In the spring of 1828, John B. Timberlake, purser of the U. S. frigate Constitution, died at Port Mahon, from the effects of derangement, in a fit of which he had unfortunately maimed himself, by cutting his throat. Commodore Patterson, then commander of the frigate, directed me, verbally, to assume the duties of acting purser, as the successor of Mr. Timberlake. About to become the recipient of the money, slops, and other effects belonging to the United States, which were left by my predecessor, it was not my duty to count the money, or take an inventory of the effects. Common sense might teach any one that the counting of the money, and surveying the effects, devolved upon others, before I could be made responsible. I participated in neither.

It has been testified, however, by captain Patterson, that he gave verbal orders, to his first lieutenant to cause the money to be counted, and an account taken of it to be delivered to me; and also to designate three officers of the ship, to make an inventory of all the public effects, before they should be delivered over. Captain Patterson has further deposed, that lieutenant Valette, the gentleman to whom these verbal orders were given, reported to him that all had been done as commanded. But the persons named by lieutenant Valette, as those designated to perform the duties before mentioned, disclaim their appointment, and positively assert that they had no agency in making an inventory, or counting the money, and never had any knowledge of the money or effects left by Mr. Timberlake, except from hearsay.

These strange discrepancies in the evidence of gentlemen, made under the obligations of their oaths, necessarily called for the minutest examination by the court and my counsel; when, at length, it was positively ascertained that there had been no inventory taken of the public property; as captain Patterson countermanded his own order to that end, upon the representation to him, by lieutenant Vallette, that the slops and stores were so situated as to render it very inconvenient to make an inventory thereof. The survey was postponed by order of captain Patterson, until after the arrival of the Constitution at the navy yard, Charlestown, Massachusetts; when all the slops and stores were, by order of captain Gallagher, surveyed and turned into the navy store, and receipted for by Mr. Bates, the navy store-keeper on that station.

So much for the reported inventories made at Port Mahon, by orders of captain Patterson. Here the investigation concerning the *mysterious* inventories, which from the beginning had existed only in fiction, might be terminated, but for the evidence of captain Patterson, before the court of inquiry, who swore that when the Constitution came near the light house, and before the survey took place in the navy yard at Charlestown, he inquired of me, whether I had forwarded to the fourth auditor, duplicates of the inventories of these same slops and stores, and received an affirmative answer! The reader has seen, above, that no inventory had before been taken, and this with the knowledge, and in pursuance of the orders, of captain Patterson himself. It is scarcely worth while to waste one word more on this subject. How captain Patterson could imagine that I had transmitted to the fourth auditor duplicates of inventories never made—or how I could answer in the affirmative, never having heard or seen any such inventories, I leave to every one to conjecture. It surpasses all my logic. Such, however, it will be

Digitized by Google

seen, in the president's letter of dismission, (A) is the testimony on which he has arrived at the decision, that I am unworthy of the naval service of this republic! * * * *

Had the president been actuated by correct motives, influenced by the proceedings and judgment of the court of inquiry, and sought information from the books and vouchers in the navy department, he must have come to other conclusions. * * * * I may, however, put up with my share of his denunciation, when in the same scrawl he stigmatizes the integrity and intelligence of the late court of inquiry in my case, composed of officers not surpassed in character and respectability by any in the service of the country.

With any slops that might have been on board when Timberlake died, I am wholly unacquainted. For some time before his death, and until the day of his interment, Norman and Norris, Timberlake's clerks, had charge of all the slops which had been open for the use of the crew. What they must have issued, I had no means of knowing. It having been determined by captain Patterson, that the slops and public stores in the hold, and other departments of the ship, should not be disturbed, I obtained, and receipted to our consul at Port Mahon, Mr. Ladico, for a small amount of slops, which have been fully accounted for with the government. During the inquiry concerning my slop account, the court were of opinion that I had a credit for the amount of $178 in slops not belonging to my parcel. I did not feel disposed to dispute with my judges on so small a matter; and therefore, in forming my account current for the consideration of the accounting officers, I admitted that charge, although perfectly ignorant of any mixture of my slops with any remnant of those of my predecessor. Thus were closed, gratuitously on my part, any claims which the government might have on me for their slops left by Mr. Timberlake, if any there were. In view of this miserable remnant, however inconsiderable, supposing it actually to exist, the president, in his peculiar candor and magnanimity, designated the slops and stores turned into the navy store at Charlestown, as the property of the United States, "*some stores* which were stored away under the ship's provisions," amounting in all to more than three thousand dollars! some stores in comparison with the enormous quantity supposed to have cost $178!

In relation to the slops and public stores, it will be seen that the president recites "that verbal orders were given, directing an inventory to be taken according to law," without intimating by whom given, or to whom given, leaving room for the inference that the *laches* is imputable to me. That it may be seen how accurately the president has interpreted the law, screening the guilty, and impugning the innocent, I here insert two extracts, Nos. 14 and 15, from the rules and regulations for the naval service of the United States, under the head "of stores and provisions." viz:

14. "On the death of an officer having charge of stores, his public papers shall be separated from those of a private nature, the former to be forwarded by a safe conveyance to the fourth auditor, and the latter, together with his private effects, to be put in charge of such officer as the captain of the ship may appoint for that purpose, to be preserved for the benefit of the legal representatives of the deceased, unless, from particular circumstances, the captain shall deem it advisable to dispose of them at public sale; in which case a duplicate of the inventory, with an account of the disposal or sale, shall be transmitted to the fourth auditor of the treasury.

15. "If an officer having charge of stores, should, from any accidental circumstances, be separated from his ship, the captain shall proceed to survey and ascertain the state of the stores, as though such officer were actually dead or discharged; and he shall, as in a like case, appoint another officer to act in his place, giving the earliest intelligence of his proceedings to the fourth auditor of the treasury."

So much of the rules and regulations as I have here inserted, consist especially of instructions to CAPTAINS, and they are now produced to show to the people, and my late brother officers, how unjustly and tyrannically the president has acted towards me, while he suffers the negligent and guilty captain to remain in command of a squadron in the Mediterranean. It is somewhat unintelligible to any one not conversant with the history of my case, that there should be a motive with the president to harass and degrade me, who acted in all this affair in a subordinate capacity, and by the commands of captain Patterson.

With respect to the small stores on board belonging to Mr. Timberlake, the explanation is short and simple. Mr. Timberlake died indebted to Mr. Norman, his clerk, something more than six hundred dollars, and before his death expressed a desire to secure him out of his small stores. He directed Norman to make a schedule of them, that he might assign them to him; but before the article could be prepared, he grew so ill, that he was unable to execute it. Captain Patterson, knowing the wishes of Mr. Timberlake, requested me to execute the arrangement for Norman's benefit, as if it had been completed by him before he sunk into the arms of death. These stores were sold at auction by order of the secretary of the navy, and out of the proceeds I satisfied the claim of Norman within a very few dollars. This is a simple and true account of a transaction upon which the president attempts to fix upon me an interference with the estate of Timberlake. Nothing but the most hideous obliquity could have so distorted his poor blind vision.

I have now done with Mr. Timberlake's slops and small stores; having no more agency in their disposition than that above stated, and which is matter of record, as the minutes of the proceedings of the late court of inquiry will abundantly prove, and which, according to the letter of Mr. Woodbury below (B), had been examined and returned by the president without disapprobation.

I shall, in the sequal, tax the reader with a history of the money left by purser Timberlake on his demise. The amount was reported to me, by those who counted it, to be 11,483 dollars, of which I immediately made a memorandum. This memorandum I voluntarily delivered to the court, to save all fruitless inquiry about the money, having no motive to conceal the truth. My first impression was to charge myself with that sum—open a new account with the government, and at my risk disburse it in the service. This was positively prohibited by capt. Patterson, and as peremptorily was I commanded to disburse it on the books of the late purser. I implicitly obeyed; and in paying his rolls, and discharging the outstanding debts to the 31st March, 1828, exhausted the last dollar; inasmuch, that, with the permission and approbation of the commander of the Constitution, a thousand dollars were borrowed of the Dutch consul, to enable the ship to depart in credit from Port Mahon. All the vouchers taken for the payments, upon Timberlake's books, and of his outstanding debts, made out of the aforesaid $11,483, were turned in with his books and papers for his benefit, or rather the benefit of his estate; for all which he has received full credit, while I, who performed this task, by order of my superior, without emolument or compensation, have been denied the credit of a single dollar, in the very face of the judgment of the late court of inquiry, and the records of the files of the department.

With the sanction of Mr. Woodbury, I had access as well to my own accounts as to those of the late purser; and I presented for the consideration of the accounting officers an account current, covering the whole sum which came into my hands, every item of which is supported by a legal voucher, precisely as if the account had been originally mine. The two accounting officers did not deign to ask or receive the slightest explanation; but rejected the whole as inseparable in any particular. Upon their iniquitous report, the president acted; having, as I believe, never seen one of the vouchers. Upon such a report, he charges me with presenting an account current, composed, *in a "great" degree*, of items which have notoriously passed to my credit, or are unfounded and frivolous. A more bare-faced scandal was never penned, alike unmerited by me, and unworthy of the chief magistrate of the United States.

Below will be found my account with the government in settlement of its new claims upon me (C), and I shall now wait two events—a suit at law, which I fearlessly challenge, and the meeting of congress, to which I shall appeal. In the mean time, I claim, for the defence of my honor, and protection of my dear bought fame, a generous interposition of all my late brothers in the service, no one of whom will have heard of the high handed oppression with which I have been assailed, without the deepest grief. I know they will bear testimony in my favor, even at the risk of an odious inquisition. * * * * * * * * * If there be not honesty and firmness enough in the officers of the treasury department, to investigate the state of this concern, I will take it upon myself to bring it to an issue.

R. B. RANDOLPH, *late of the U. S. Navy.*

(A.)

The president of the United States has carefully examined the proceedings of the court of inquiry, charged with the investigation of the conduct of lieutenant Robert B. Randolph in connection with his account as acting purser of the frigate Constitution.

It appears by the evidence of commodore Patterson, commander of the ship, that upon the death of purser John B. Timberlake, at Port Mahon, on the 2d day of April, 1828, lieutenant Randolph was appointed acting purser; and that verbal orders were given directing an inventory to be taken according to law of all the money and stores, public and private, left by the said Timberlake, which were about to pass into the possession of the acting purser; and that it was reported this duty had been performed with the exception of some stores which were stowed away under the ship's provisions, she being nearly ready to sail for the United States.

It appears by the same testimony, that when the ship arrived near the light house at Boston, commodore Patterson inquired of lieutenant Randolph, whether the inventories of the money and property left by Mr. Timberlake, had been sent to the fourth auditor of the treasury, and was answered in the affirmative.

Nevertheless it appears by the evidence of those who were directed to take the inventories, that although the money was counted, no inventories of the stores were taken, and by the records and files of the fourth auditor's office it also appears, that no account, either of the money or stores, was furnished to that office by lieut. Randolph, or any other person.

It further appears, that in the settlement of his accounts at the office of the fourth auditor, lieutenant Randolph neither charged himself with any portion of the money or stores left by Mr. Timberlake, nor gave any intimation that any had come into his possession.

It further appears, that after lieut. Randolph had completed the payment of the ship's company on her arrival in the United States, he had left of the public money put into his hands for that purpose, upwards of $20,600, of which, upon the settlement of his accounts, he returned into the treasury a little more than

Digitized by Google

$10,000, applying the rest to his own use, and that he refused to state in his defence before the court of inquiry, in what manner this surplus of funds had accrued.

It further appears, that in the year 1829, having arrived in the United States in July, 1828, and his accounts having been settled in October of that year, lieutenant Randolph paid to Thomas Norman, $600 of the funds remaining in his hands on account of purser Timberlake, proving that he was not ignorant of the fact that all those funds had not been accounted for in his previous settlement with the government.

It farther appears, that the accounting officers of the treasury were ignorant of the money and stores left by Mr. Timberlake, until an unaccountable default exhibited in the settlement of his accounts, led to inquiry into the means by which it had been produced; and when, in the course of that inquiry, it was ascertained that money and stores left by him had come into lieut. Randolph's possession, the latter, when called on, refused to state the amount, or render any account of them, although he acknowledged that he had a memorandum of the amount of the money, indulging in passion and threats unbecoming an officer of the navy, and not to be expected from a man of conscious integrity.

Considering these things so clearly established by the testimony, the president cannot approve of so much of the finding of the court as declares, "it does not appear that lieutenant Randolph said any thing with an intention to mislead or deceive the commanding officer, in relation to taking of inventories of articles left by Mr. Timberlake, or of the disposition made of them;" nor can he approve of the opinion expressed by the court, "that the before mentioned neglect of lieutenant Randolph, and the irregularities in his manner of performing the duties of acting purser, and in keeping and making out his accounts, did not proceed from any intention to defraud the United States or Mr. Timberlake."

These conclusions, in the opinion of the president, are incompatible with lieut. Randolph's failure to charge himself with the money and effects of Mr. Timberlake, with the misinformation given by him to commodore Patterson in relation to sending the inventories to the fourth auditor—with the appropriation to his own use, before the settlement of his accounts, of near ten thousand dollars of the money sent to him at Boston to pay off the ship's company, showing that he had an accurate knowledge what would be the result of that settlement—with his payment of $600 to Mr. Norman after the settlement of his account, which is a confession of his knowledge, that he had retained money belonging to the United States or to Mr. Timberlake—with his refusal to give information in relation to the money and property left by Mr. Timberlake as he was bound to do, as purser of the navy, by law—and with the manifestation of excitement and the violent language used by him when called upon for explanations.

And finally, instead of coming forward and correcting the errors of his account which have been developed by the court of enquiry, and returning into the treasury the $4,303 11—which that court after liberally admitting every claim advanced by him with a show of evidence, find to be still in his hands unaccounted for, he has presented to the accounting officers of the treasury an account current, composed in a great degree of items which have notoriously passed to his credit, or are unfounded and frivolous, showing a balance of about $600 in his own favor against the United States, thereby evincing a determination not to refund any portion of the money which he has improperly applied to his own use, if it be possible to avoid it.

In the opinion of the president, the facts which appear in this case, and the conduct of lieut. Randolph throughout the investigation, prove him to be unworthy the naval service of this republic, and an unfit associate for those sons of chivalry, integrity and honor, who adorn our navy. The secretary of the navy is therefore directed to dismiss lieut. Robert B. Randolph from the naval service of the United States.

And the president trusts that the most efficient means will be resorted to by the navy department to prevent in future that total neglect and disregard of the rights of deceased officers and their families which form striking characteristics in this case. ANDREW JACKSON.

April 18th, 1833.

(B.)

Navy department, January 24th, 1833.

SIR—The court of inquiry in relation to your conduct having closed its sessions and made a report to this department on the questions submitted, I seize an early opportunity to apprise you of this fact, and of the completion by the president of an examination of that report.

The whole proceedings are on file for your inspection at any convenient time, and a copy may be taken if desired.

Among other things the court find that—

"Lieutenant Randolph has received public property with which he has not charged himself, and for which he has never accounted to the government, as follows, viz:

Cash left by Mr. Timberlake,	$11,483 00
Slops left by Mr. T. which cost	178 75
	$11,661 75"
They further find, that you paid from the same, sundry sums, amounting, in all, to	7,358 64
"Leaving still to be accounted for	$4,303 11"

After so long a delay since the receipt of the above money, it is hoped your immediate attention will be given to the adjustment of it, with the proper accounting officers of the treasury.

Respectfully yours, LEVI WOODBURY.

Lt. R. B. Randolph, Alexandria, D. C. care of Mr. Cummings.

(C.)

The United States in account with lieut. R. B. Randolph, late acting purser of the U. S. frigate Constitution, Daniel T. Patterson, esq. commander.

1828. Dr.	
March 31. To this amount paid officers, as per list rendered	$3,431 75
To this amount paid discharged men, as per pay roll,	3,241 69
Orfila's bill	2,259 50
Ration money to boys, waiters and cooks	1,226 36
Private bills of Md. Mower	98 84
Bill of G. T. Ladie	160 57
Norman's claim	600 00
Commissions on 11,483 dollars	292 07
Arrears to John Ternanders	320 00
Hospital on account of Md. Mower, by order of surgeon	10 00
My per diem, for attendance on the orders of the secretary of the navy, as per bill rendered	1,422 00
1 month 18 days pay, and rations to 18th April, 1833	119 20
	$13,181 98
1828. Cr.	
April 3. By cash left by the late purser, John B. Timberlake,	$11,483 00
By small stores assigned to Norman	600 00
By slops charged by the opinion of the court, and by me admitted, without any knowledge of the facts	178 00
	$12,261 00
Balance due R. B. R.	920 98
	$13,181 98

[COPY.]

No. 7,428—7,312

Treasury department, fourth auditor's office, Oct. 27, 1828.

I certify, that I have examined and adjusted the account of Robert B. Randolph, acting purser of frigate Constitution, and find that it is closed as appears from the statement and vouchers herewith transmitted for the decision of the second comptroller of the treasury thereon. T. WATKINS, *auditor.*

To the second comptroller of the treasury.

Second comptroller's office.

I admit and certify the above balance, this 9th day of January, 1829. RICHARD CUTTS, *second comptroller.*

Treasury department, fourth auditor's office, May 25, 1832.

Pursuant to "an act to provide for the prompt settlement of public accounts," approved 3d March, 1817, I, Amos Kendall, fourth auditor of the treasury of the United States, do hereby certify, that the aforegoing is a true transcript from the original report on file in this office. AMOS KENDALL.

(E.)

Alexandria, Dec. 23*d*, 1830.

SIR: Twelve months have elapsed since the subject of my accounts, and the various controversies growing out of them, have been brought to an issue between the fourth auditor and myself. Serious charges, implicating my personal integrity and official character, have been promulgated to the world upon the authority of the auditor. You will readily concur with me in opinion that it is desirable that this matter shall be terminated, and my own sense of what is due to myself, imperatively enjoins upon me the duty of asking for some proceedings which may either fix upon me the imputed guilt, or honorably relieve me from this state of painful suspense. I am ignorant whether I stand charged upon the books of the department with any moneys which remain to be accounted for; if I am, I pray that I may be apprised of them, as well as of any description of charge which stands against me.

Peculiar circumstances in my situation make me solicitous upon this subject; and will, I trust, afford me an ample apology for the present application to you. I have the honor to be, with unfeigned respect, your ob't serv't, R. B. RANDOLPH.

Hon. *John Branch.*

(F.)

Navy department, Dec. 27*th*, 1830.

SIR: Your letter of the 23d instant has been duly received. In reply, you are informed that a court of inquiry shall, agreeably to your request, be ordered, at as early a day as the public interest will permit, and of which you will be duly informed.

I am, very respectfully, &c. &c. JOHN BRANCH.

Lieut. *Robert B. Randolph*, of the U. S. Navy.

(G.)

Navy department, May 4, 1832.

SIR: A court of inquiry in your case has been ordered, and will be held at the navy yard, Charlestown, Massachusetts, on Monday, the 4th day of June next.

Digitized by Google

This will give to you the longest time for preparation practicable, before the supposed sailing of the United States frigate from New York, in which vessel some of the witnesses are now under orders to the Mediterranean.

As other witnesses reside in Boston, whose attendance elsewhere would be highly inconvenient, and as you have declined waiving the personal attendance of any witnesses, the court has been ordered to sit in that neighborhood.

It will be composed of the following named officers, viz: commodore Charles Morris, as president; masters commandant Thomas H. Stevens and Joseph Smith, members; and Henry M. Morfit, esq. judge advocate. I am, respectfully, sir, your obedient servant, LEVI WOODBURY.

Lieut. *Robert B. Randolph*, U. S. Navy, Alexandria, D. C.

TOWN MEETING AT ALEXANDRIA,

On the outrage committed on the president.

At a public meeting of the citizens of Alexandria, held at the market square, on Tuesday, the 7th of May, 1833, agreeably to public notice, *Bernard Hooe*, esq. the mayor, was called to the chair, and on motion, *Charles Neal*, esq. appointed secretary.

The mayor having briefly explained the object of the meeting, Thomson F. Mason, esq. in an eloquent and animated address, embodying the purport and amplifying and illustrating the principles of the following resolutions, offered them to the consideration of the people assembled in the public square; and the resolutions were severally and unanimously adopted.

Resolved, That the citizens of the town have learned, with mingled sentiments of regret and indignation, that a flagrant violation of the public peace, and of the sanctity of the laws, was yesterday committed on board the public mail boat, whilst lying at our wharves, by Robert B. Randolph, on the person of the president of the United States.

Resolved, That whilst despotic governments, resting on principles of fear, have been necessarily sustained and protected by force, and in the milder forms of monarchical governments, though in some degree distinguished by greater security to the persons of their chief executive officers, it has nevertheless been thought necessary to surround them with armed guards; it has heretofore, been the proud boast of our republican institutions, that obedience to the constituted authorities, was upheld by a sacred reverence for the public will—and that the moral force of public opinion, alone, spread a panoply of defence around the person of every officer in the discharge of his official duties more enduring and certain than the array of armed men.

Resolved, That in the outrage which has been committed, the principles of our free institutions have been violated; and that in the manner and circumstances of its perpetration, there is nothing found to extenuate it or allay the feelings of an injured and indignant people—that in the history of our country, it is the first time within the knowledge of this people, that an attempt has been made to gratify a personal vengeance—for the results of an high official act—and this blow at the fundamental principles of our institutions has been struck by an arm to which had once been confided the high trust of upholding the flag and defending the character and honor of his country!

Resolved, That this outrage on the dignity of the people, in the person of their chief magistrate, calls for a general expression of public indignation.

Resolved, That the chairman be requested to enclose a copy of the proceedings of this meeting to the president of the United States, and also cause them to be published in the newspapers of this town.

FROM THE "GLOBE"—SUBSEQUENTLY PUBLISHED.

Extract from the report of the fourth auditor to the secretary of the navy, in relation to the accounts of John B. Timberlake, and Robert B. Randolph. May 25, 1830.

It recently occurred to me, that it might be ascertained with tolerable certainty what were lieutenant Randolph's receipts and payments from the 3d April, the time he assumed the pursership at Port Mahon, to July, the time of the ship's arrival at Boston; and again, from the ship's arrival to the settlement of his accounts. A minute investigation exhibits the following result, viz—

His receipts and payments before arrival, were as follows, as shewn by his account and vouchers, viz—

Received in slops at Port Mahon	$742 50
Received in cash at Gibraltar	11,000 00
Total receipts	$11,742 50

He is credited with payments to officers and men, disbursements in the Mediterranean, slops and stores issued, and slops returned to naval store, $20,729 98. Excess of payment over receipts, $8,987 48.

There was no known fund out of which this could have been drawn, other than Mr. Timberlake's money received at Port Mahon. But in addition to these payments, he paid for tobacco at Gibraltar, $148 72, little of which was sold to the crew, in consequence of its inferior quality; and a considerable sum for other stores. How much of this was replaced by issues of the same stores, the papers do not enable me to ascertain.

After arriving at the above result, I examined into lieutenant Randolph's receipts and payments after his arrival in Boston. The result exhibited a balance of receipts, over payments corresponding with the excess of payments over receipts before his arrival.

From these views of the subject, it was apparent to my mind, that lieutenant Randolph must have had left in bank at Boston, after paying off the crew, appropriating all his own commissions, compensation and expenses, and after returning into the treasury the amount found due from him on settlement, at least $10,000. At my request the secretary of the treasury applied for his bank account. The reply of the bank with lieutenant Randolph's account, is annexed, marked (26). It fully confirms my previous conclusions. It shows that, after lieutenant Randolph had finished all his payments, he still had left in bank $19,873 23. Before he left Boston, he drew out 9,873 23, of this sum, $718 06 in cash; $155 17, in a check on the Norfolk branch, and $9,000 in a check on the Richmond branch, leaving precisely $10,000 in bank. This, with $257 43 afterwards deposited, was all of the $19,873 23, which ever came into the treasury.

But a comparison of lieutenant Randolph's bank account with his account in this office, makes it apparent that he had during the progress of his payments, drawn out considerable sums on his own account. His account current, and abstracts from his pay roll, are annexed, marked (27). Had he deposited all the money he received in Boston, and drawn out none except for the payment of the ship's crew, the balance in bank would have exceeded $22,000. A careful examination of all the accounts gives the following results; which I have no doubt are accurate within a few cents—

1828, July 5, lieutenant Randolph received of the navy agent at Boston, in anticipation of a remittance,		$1,500 00
12. Received the amount of $93,000 remitted, deducting the foregoing item,		91,500 00
Received for Timberlake's stores, sold at auction,		607 21
Received for dead men's and deserter's clothes sold,		41 09
Total receipts at Boston,		$93,648 30
Whole amount paid officers and men at Boston,		71,394 49
Surplus remaining on hand, $19,873 23, of which was in bank as his account shows,		22,253 36
Of this sum there was returned into the treasury only		10,257 43
Leaving in lieutenant Randolph's hands,		$11,995 93
Of this sum he has accounted for the following items, only, viz—		
Expenses at Charlestown,	$90 00	
Postage,	2 07	
Paid R. Calder, as clerk,	78 15	
His own commissions allowed,	2,967 42	
Travelling expenses and per diem while settling accounts,	107 40	
His own pay on pay roll,	262 89	
His own pay for August and September,	200 52	
		$3,008 45
Leaving in lieutenant Randolph's hands *wholly unaccounted for*, after allowing all his pay, emoluments, commissions and expenses,		$8,987 48

To this amount in cash, must be added, to ascertain what was really detained by lieutenant Randolph, the money on hand when the vessel arrived, the value of all stores on hand, deducting his profit on those sold to the crew, and any debts which might be due to him for money lent to other officers.

Is it possible that all this could have been lieutenant Randolph's money? By acting as purser less than four months did he make by means unknown,

he make by means unknown,	$8,987 48
By commissions,	2,967 42
By lieutenant's pay,	262 89
In all,	$11,[illegible] 79

And in addition to this, an unknown amount in store and other things, which do not enter into his public account.

These facts admit of but one construction. Most of Mr. Timberlake's money was paid to the officers and men, or vested in stores, before the ship arrived in the United States. Lieutenant Randolph took a credit for these payments in his settlement. Having called for money enough to cover them he had their exact amount left on hand, after paying the crew, and transferring to the treasury the balance found due from him. This was sufficient to enable him, after meeting all demands of comfort, pleasure and friendship, to carry home a considerable sum in money, besides a check for $9,000.

Extract from a record of proceedings of the court of inquiry in the case of lieut. R. B. Randolph, Friday, 18th Jan. 1833.

The court met, pursuant to adjournment; present as yesterday: the last day's proceedings were read and the court then, after deliberation, agreed upon the following opinion:

First, that lieut. Randolph has received public property with which he has not charged himself, and for which he has never accounted to the government, as follows, viz.

Cash left by Mr. Timberlake	$11,483 00
Slops left by Mr. Timberlake which cost	178 75
	$11,661 75

And that he has paid from the same the following amounts for which Mr. Timberlake has received or is entitled to receive credit by his final pay roll, No. 10, the following amounts, viz:

Digitized by Google

Amount paid to men at Mahon, discharged on pay roll, No. 10, on 31st March, 1828,	$3,241 69
Amount paid to William Prince, and credited on same roll to Mr. Timberlake	315 00
Amount paid to officers and credited on the same roll	1,442 45
By amount paid for ration money to officers' boys, credited on the same roll	100 00
And by a further amount paid to a taylor named Orfila for articles made by order and for the benefit of Mr. Timberlake, whose bill is receipted as though paid by Mr. Timberlake	2,259 50
	$7,358 64
Leaving still to be accounted for	4,303 11

And further, that lieutenant Randolph received of the small stores left by Mr. Timberlake to the value of $600 00.

And that he paid to Thomas Norman, after his return to the United States, a sum stated to have been due from Mr. Timberlake at his death to the said Norman, amounting to the sum of $600 00.

That lieutenant Randolph's conduct in relation to his transactions as acting purser of the frigate Constitution was incorrect and censurable in the following particulars, viz:

In assuming the responsibilities and commencing the duties of purser, and taking charge of any of the property and effects left by his predecessor, before a proper order had been given for taking such surveys and inventories of the property left by Mr. Timberlake, as the regulations of the navy department required, and before such inventories had been duly taken and handed to him.

In not charging himself and crediting his predecessor Mr. Timberlake, in his accounts, with the amount of money and other articles left by the said Timberlake, of which he took possession, and which he expended as acting purser, and in not mentioning such receipts to the officers of the treasury, or at the time of settling his accounts.

In making payments and taking receipts for the same as though the payments had been made by Mr. Timberlake during his life, and thereby rendering it impossible to determine with accuracy the precise amounts which were respectively paid by Mr. Timberlake and by himself.

In not taking greater care to separate the articles left by his predecessor, and of which he did not assume the control and expenditure, from those of which he did assume the control, so as to prevent any of the former from being either issued or returned and passed to his own credit.

In returning into the navy store and receiving credit for linen or duck or slop clothing, when in fact it had not been purchased as such nor any part of the whole quantity originally purchased, had been issued or charged as slop clothing.

The court are further of opinion that the before mentioned neglects of lieut. Randolph and the irregularities in his manner of performing the duties of acting purser, and in keeping and making out of his accounts, did not proceed from any intention to defraud the United States or Mr. Timberlake.

The court are also of opinion that the amount of money left in the possession of lieut. Randolph when his accounts were left at Washington in 1828, was so large that it ought of itself to have excited doubts in his mind as to the correctness of the accounts which he had rendered of the amounts which he had actualy paid on account of Mr. Timberlake, and to have induced some voluntary attempt on his part to procure a further investigation before the time when he was called upon by the present 4th auditor for explanations.

The court are further of opinion that the conduct and language of lieut. Randolph towards the second comptroller and the 4th auditor of the treasury was not intended by him to embarrass or intimidate either of them in the fair settlement of his accounts, but that the warmth or intemperance of his language was occasioned by his having adopted an opinion that they were disposed to treat him with injustice in relation to his accounts.

The court are further of opinion that lieut. Randolph had no agency, direct or indirect, in writing or causing to be written, any of the anonymous letters referred to in the precept, or that he had any knowledge of such letters having being written previous to their publication.

The court then adjourned until to morrow at 12 o'clock, meridian.

Saturday, January 19, 1833. The court met according to adjournment—present, all the members and the judges advocate.

The proceedings of yesterday were read and the investigation closed. (Signed)

C. MORRIS, *president of the court.*

HENRY M. MORFIT, *judge advocate.*

THE PARDONING POWER.

We copy the following sound and pertinent remarks from the "New York Commercial Advertiser."

Pardoning power. A discreet exercise of this prerogative, is among the most difficult and delicate of the duties which the executive of this state can be called upon to perform. To the late governor, however widely we may have differed from him in politics, (and less widely we have reason to believe in principle and sentiment, than in association), we have ever accorded a prompt acknowledgement of firmness and independence in this branch of that department. It is gratifying to perceive that his successor seems inclined to follow his example. Of this we have recent proof. A young man by the name of George Dennison, was sometime since convicted of murder, in the county of Chenango, and sentenced to undergo the extreme penalty of the law. His case presents perhaps, one of strongest dissuasives from intemperance that can be urged. Dennison had applied to Mr. Hamblin Gregory, an innkeeper, for liquor—but was refused. Food was given him of which he partook, and said that it was better than liquor. But at a subsequent day, which was on Thursday the 27th September, he called for liquor again, and was again refused, when he threatened to shoot the landlord. On the Sunday evening following, he procured a loaded gun at the house of Mr. Howard, another innkeeper, living about half a mile from the first, with which he repaired to the tavern of Mr. Gregory, and shot his son, supposing it to be the father. The son, expecting to set out the next morning for Utica, had put on some of his father's apparel, which probably occasioned the mistake—for the murderer had no enmity against the former, nor even against the latter, except such as had arisen from the refusal to let him have liquor. The defence set up was insanity—but the evidence to support it was not deemed sufficient by the jury, and they returned a verdict of guilty. That the act was perpetrated by the prisoner no doubt could exist, and it was equally evident that it was done in that state of semi-consciousness or hallucination which is the frequent result of intoxication. After the rendition of the verdict he addressed the court, and without denying the facts that had been testified against him, he said:—

"It appears in evidence that I have taken from one of my fellow creatures that which I cannot restore; but let me tell you, as a dying man, that the circumstances which led to the commission of this crime, are a mystery to me. The whole transaction appears more like a dream than a reality; there is one circumstance in particular, that I have no knowledge of, which is, in relation to my eating supper at Howard's. There is no doubt but what I did eat there, but I do not remember of eating one morsel of food that day. I would, also, mention another fact in relation to the testimony of esquire Campbell, not that I would have you think I doubt his veracity, for I have not the least particle of doubt in my own mind but what he stated the facts precisely as he heard them from my own lips. He testifies that he asked me if I went directly from Howard's to Gregory's. He says the answer was, that I did. Now, gentlemen, I remember being at Howard's, and I also remember being at Gregory's; but don't know any thing about the manner in which I went there, for there are but a few rods of the ground that I have any recollection of. I do not hesitate to say that I have had a fair and impartial trial. According to the testimony, I think the jurors could render no other verdict than the one they have, with a clear conscience and in conformity to the laws of our country. While I meditate on this, I am sensible that I have not only broken and trampled upon the laws of my country, but have set at naught the dread law of my maker."

The plea of intoxication is no excuse for the commission of a crime. The community would not be safe were such a justification to be allowed; and we feel confident that the public will approve the course which has been taken by governor Marcy, in reference to this individual, as indicated by the letter already published.

LAW CASES.

Brief reports or notices of important or interesting things.

INTEREST ON MONEY. Lord chief justice Ellenborough has laid down the rule of law with regard to interest clearly and concisely thus: "Interest ought to be allowed only in cases where there is contract for the payment of moneys on a certain day; or where there has been any express promise to pay interest; or where from the course of dealing between the parties it may be inferred that this was their intention; or where it can be proved that the money has been used and interest had actually made. A note of hand or promissory note, does therefore legally carry interest; tradesman's bills, where there are no special agreements, do not.

IMPORTANT TO PUBLISHERS. Bailie court of Edinburg, 25th of February, 1833. A. Deuchar, seal engraver, agent for the *British Herald*, vs. Thomas Johnson. Johnson was an original subscriber to the *British Herald*, which, by the prospectus, it was stated, would be published in four parts, price 21s. each. On the publication of the fourth part, it was announced that the work would extend to five parts, and the price of the whole to £5 5s. instead of £4 4s. The bailie held that the publisher was bound by his prospectus, and that the defendant was entitled to have the work complete for £4 4s. however many parts it might extend to. [*Glasgow Herald.*

TRAVEL ON THE HIGHWAY. *Bostwick and wife*, vs. *Champion and Evans*. This was an action against the defendants, who were two of the proprietors of the late pioneer line of stages. One of the drivers of the line, in passing a one horse wagon near Vermont, in the county in which Mrs. Bostwick was riding, struck the wheel of the wagon with the stage, and the same was upset, and Mrs. Bostwick seriously injured, so that she has been ever since confined to her house, a period of more than two years. A large number of witnesses were sworn on this cause, and great interest was excited. Mr. Bostwick had previously recovered a verdict at a former circuit for his own damages, $800; and this suit was brought to recover the

Digitized by Google

damages, resulting from the personal injury to his wife. The cause was ably summed up to the jury by O. Hastings, esq. of Rochester, for the defendants, and J. A. Spencer, esq. of Utica, for the plaintiffs, and after a minute charge from judge Williams, the cause was submitted to the jury, who found a verdict for the plaintiff for *eight hundred dollars*.

[*Rome, Oneida co. Telegraph.*

From the Worcester (Mass.) Yeoman. James Reed recovered, before the supreme court of Greenfield, last week, $980 damages and $250 costs of the town of Northfield, for an injury sustained by the state of bad roads in that town. This is a salutary admonition to other towns to take heed to their ways.

Caution to stage proprietors. An action was brought by John O'Hanlan against Asa Hall, to recover damages for an injury received by the wife of the former, by the stage coach General Macomb, of which the defendant was owner. It appeared that in the absence of the driver, who was engaged in seeking passengers, the horses broke loose from their stand, and, in their course through Broadway, ran over Mrs. O'Hanlan, while crossing the street, knocking her down, and injuring her very severely. Judge Hoffman, in delivering his charge to the jury, gave an elaborate and clear exposition of the law in relation to furious and careless driving, involving the liability of stage proprietors. He observed that he was glad the present case had come before the court, as it would furnish an opportunity to make public the liabilities under which stage owners were bound. The corporation had passed a law regulating hackney coaches, by which it was rendered *penal for a driver to leave his box*, as was done in this instance. The owner must be responsible for the carelessness of those employed by him in the capacity of drivers. If drivers neglect their duty, a jury must measure out their punishment. The jury accordingly rendered a verdict for the plaintiff, fixing the damages at *four hundred and fifty dollars*, and six cents costs. [*N. Y. Advocate.*

Another. A jury in New York has returned a verdict of seventy-five dollars damages against the owner of a hack, for careless driving, by which injury was done to a wagon and a lady riding in it.

The judge in summing up the case made the following remark, which may be interesting to husbands, as it shows when they are personally and when jointly concerned in their wives misfortunes.

"The next question was, what is the rule in relation to an injury done to the wife? On this head, the law laid down by defendant's counsel was correct, viz: if the wife receives an extreme injury, by means of which she is confined for weeks or months, and her services are consequently lost, the husband could have no difficulty in recovering alone:—but if the injury were merely light or trivial, the action could not be sustained by the husband alone. If the services of the wife in the present case were lost at all, the jury must measure the period and estimate their damages accordingly."

[The law of the road seems about to be much better understood than it has been—and *impudent* or *careless* drivers of stages and other vehicles, or negligent public officers, will be more frequently "brought into court," (as they ought) than heretofore.]

Taking up a dead body. Among the proceedings of the court in Northampton county, Pennsylvania, reported for the Easton Centinel, is the following case:

Commonwealth vs. *Daniel Huntsman.* } Indictment for taking up the dead body of Hugh Pugh, in Stroudsburg.

The facts of this case were briefly as follows: Mr. Pugh had been buried some two years ago, but contrary to the custom of the congregation had not been placed in the same row with his friends, but in the burial row of the Hollingshead family. One of the said family deeming herself near her latter end, and anxious to be laid beside her deceased sister, to which arrangement the grave of Mr. Pugh, as then located, was an obstacle, employed the defendant to remove the coffin a few feet further off. This was accomplished without the knowledge of Mr. Pugh's friends, and as they alleged, with circumstances of carelessness and brutality—contending that the grave was very shallow, the coffin broken and placed in the grave on the side. The judge charged the jury, that taking up a dead body, and removing it with such intentions as evidently actuated the defendant in this cause, ought not to be considered an indictable offence. The jury found a verdict of not guilty.

Liability of directors of monied institutions. Vice chancellor McCoun has pronounced his decision in the case of William Scott and others, stockholders of the late National Insurance company, *vs.* Frederick de Peyster and others, president and directors of that institution. The circumstances of this case, growing out of the misconduct of Oliver G. Kane, secretary of the company, are no doubt familiar to our readers. The vice chancellor dismissed the bill, at the same time establishing the following important points.

1. That the directors of the National Insurance company violated the law by discounting notes amounting on an average to $290,000 per year—that they had no right to invest their capital in banking business, and by doing so they acted contrary to the charter of the company and the restraining act.

2. That directors, though they violate the provisions of law, by investing their capital in an illegal manner, and contrary to the provisions of the charter, are not to be held liable for any loss, provided they acted through mistake, and with no dishonest intentions.

3. That the directors of the National Insurance company are responsible, not for gross neglect merely, but for ordinary neglect, which is the want of that care which a man takes of his own concerns, and that on the pleadings and proofs in the cause, the loss of $179,000 out of a capital of $500,000 could not be attributed to the want of ordinary care.

It will be, perhaps, interesting to the public to hear that an appeal will be taken to this decision. [*N. Y. Cour. & Enq.*

Slander suit. A case of slander was lately tried in Troy, N. Y. in which Miss Achsah L. Clark was plaintiff, and John O. Martling, defendant. The trial lasted two whole days, and resulted in a verdict of $1,200 damages. It appeared in evidence that Mr. Elijah Wild, a very respectable young man of Troy, had become intimate with the plaintiff, while residing at the defendant's house, which intimacy was continued after changing his residence; and which finally resulted in a marriage contract between them, that was to be consummated on the first of May next. Martling, the defendant, wishing to retain Miss Clark in his employ, who was a very perfect and competent hand in the manufacture of toys, which was carried on by him, and knowing he could not, unless he could break up her intended marriage with Mr. Wild—saw Mr. Wild, advised him not to marry Miss Clark, telling him at the same time her character was bad, vary bad, and related certain circumstances to prove it. Before this slander was communicated to Mr. Wild, he was put under an injunction of secresy—the defendant thereby thinking to induce him to desert Miss Clark without an explanation. Mr. Wild resolved, however, to communicate the statement to Miss Clark, and called upon her brother and related to him what the defendant had told him.

Her brother immediately called on the defendant, who took him into a back room and told him "that all he had stated to Mr. Wild in relation to his sister was true." Mr. Wild then called upon Miss Clark, and told her the defendant (Martling) had made statements in relation to her, which had induced him to decline marrying her, and all further intimacy, and that her brother would inform her of the nature of the statement made by the defendant. And it was directly communicated to her at the defendant's house—which she immediately left. Thus the contemplated marriage was broken up, and a prosecution about to be commenced—the defendant then immediately set himself to work to pacify Miss Clark, and to get her again into his employ—this he attempted through his wife and Miss Eliza Clark, the sister of the plaintiff. He stated to her brother, and gave out, that all he had said in relation to her was false—a mere fabrication by himself; and offered her $16 per month, exclusive of her board, to return to his employ—which was by her indignantly refused, and she persisted in her determination to appeal to the laws for justice against the murderer of her reputation.

When Mr. Hunt, counsel for the plaintiff, rose to speak, the house was instantly silent; a breath could have been heard—and by him the testimony was most ably canvassed; and perfect justice was done to his cause—and the feelings of injured innocence. Mr. Buel then rose and took a general view of the case. He portrayed in all the colors of language, the principles and objects which actuated the defendant in his attempt to destroy the reputation [all she possessed] of a poor, unprotected orphan girl. And by an eloquent flow of argument, in which he severely and justly castigated the execrable and odious creature before him, the excitement of the audience was raised to the highest pitch of indignation. And being followed by an able and proper charge delivered to the jury, by judge Vanderpool, a plaudit that could not be suppressed, made the very edifice itself tremble; and when the miserable defendant rose to go out, so great was the feeling of indignation, every person near whom he passed, shrunk back from his touch as if he had been a leper. [*N. Y. Gazette.*

Perfection of reason. The London Morning Herald furnishes the annexed article:

"It has been long understood that English law is the 'perfection of reason,' at least by English lawyers. In a celebrated six hours' speech, the present lord chancellor Brougham, when a member of the house of commons, endeavored to disturb that opinion, so long and so well established at the bar. He, in fact, attempted to show, and some of the 'unlearned' members of the legislature thought his proofs unanswerable, that many things which are law are neither reason nor common sense, nor good policy, nor justice. In an unreformed house of commons, however, the quiver of sarcasm was exhausted in vain, and the 'perfection of reason' still continues to maintain its close alliance with what the human mind, uninitiated in legal mysteries, might easily suppose to be the 'perfection of absurdity.' Judge Buller, a great luminary of the bench, once held that a man who made a tender to another, to whom he owed money, of a few shillings *more* than his debt, did *not* tender the sum due. In logic, it is understood that the *greater* quantity contains the *less*. Accordingly, logicians would say that the man who offered another four pounds and a few shillings over, when he only owed him four pounds, had, in fact, offered the four pounds due. But what is sound in logic is not always good in law. It was only yesterday that a rule was applied in the king's bench for a new trial, and the rule granted upon the following point: The plaintiff sued the defendant for £20; the defendant pleaded a *tender* to that amount, which would have

Digitized by Google

barred the action. The jury having heard all the evidence on both sides relative to the tender, were of opinion that the defendant had tendered, not the bare debt of £20 to the plaintiff, but the sum of £20 9s. 6d. A point of law was now raised, whether a tender of the latter sum was, in law, as well as in fact and logic, a tender of the former. One of the learned judges asked why the plaintiff, knowing he was tendered more than his debt, did not take the debt out of it, and leave the remainder? All their lordships seemed, indeed, to desire to reconcile the law with the fact, if the 'authorities' would allow them, and to have an inclination to rule that he who tendered another £20 9s. 6d. did, on the principle of the greater sum containing the less, tender him £20. But the law was peremptory. The 'judge-made' law of Mr. Justice Buller having established that £4 19s. 6d. did not contain £4 9s. 6d. a rule was granted calling on the defendant to show cause why there should not be a new trial, on the ground of his having tendered the plaintiff *more* than the sum due, and thereby made *no tender* at all. This is certainly *law*, but whether it is the 'perfection of reason,' let the unlearned decide."

LIABILITIES OF PARTNERS. Judge Hoffman, of New York, has recently decided, as we learn by the Commercial Advertiser, that a levy upon co partnership property, for an individual debt of one member of a concern is not valid. It was not to be allowed as a principle of law, that the whole property of a firm may be taken out of its hands, and be dealt with as a sheriff may think proper, under an execution issued against a partner of the firm. An interest in it may be claimed, but the property cannot be seized. The possession and disposal of it must remain with the firm, and all that the creditor can do, is to give notice to the other parties of the execution against the insolvent partner, to account with him for the balance of his property remaining in their hands, after all the debts due to the solvent partners are paid.

ESTATE OF STEPHEN GIRARD. *From the Philadelphia Gazette.* It is known to most of our citizens, that the heirs at law of the late Stephen Girard, claimed all the real estate which the deceased purchased subsequently to the publication of the last codicil of his will, amounting, we believe, to between sixty and seventy thousand dollars. The city as residuary legatee, defended its claim upon the property, but the supreme court of this state gave its opinion, which must settle the question, viz: that the property claimed by the heirs did not pass with the real estate previously acquired by the deceased, and by right and in law it belongs to the heirs.

LAW OF PATENTS. We learn from the Greenfield, (Mass.) Gazette, that a case of some interest was lately decided at the supreme court in that county, of which the following is an abstract:

George Dickinson, *vs.* Richardson Hall. It was an action on a note of hand for $200. The defence was that it was without consideration. The defendant proved that the note, with several others, amounting in all to about $1,000, was given in consideration of the conveyance to himself and others for the exclusive right to make, use and vend Hines and Bains' improved patent machine for dressing flax and hemp in five towns in the county of Franklin. He then attempted to prove that the patent was void for several reasons. It seems that in 1823 a patent was granted to Hines and Bains for the whole machine, and afterwards, in 1826, they obtained a patent for the remainder of the term for the application of the broil wheels and ride shafts for the purpose of turning the fluted rollers only—suggesting that their former patent on the same subject was void on account of a deficient specification. The former patent was accordingly cancelled. The machine was proved to have been in general use between 1823 and 1826, and the defendant contends that this destroys the validity of the second patent, as by the provisions of the patent law, valid letters could only be granted for an invention "not used by the public before the application." But the court held that the invalidity arising from a prior use depended upon the intention of the party—the presumption that he had abandoned his right and dedicated his invention to the public, and that the circumstances of the use in this case negatived such an intention, the objection could not be sustained. The defendant then contended that the patent was void—because the "improved machine" was useless, and the improvement patented not new—and a variety of evidence was gone into upon these points on both sides. The chief justice charged the jury that it would be a good defence to the note to show that the patent was void: that in order to a valid patent, the machine or invention patented must be both "*new and useful*,"—that in order to usefulness, the machine or supposed improvement patented must be applicable to beneficial use, and that if it clearly appeared that no man in any part of the United States, under any circumstances, could erect such a machine without loss, that it could not be *useful* within the meaning of the law. He also directed them if the patented improvement contained neither any new principle, or any new combination of old principles—or a combination for a new purpose—then also the patent would be void. The jury found a verdict for the *defendant*. Several questions of law were reserved for the whole court. [*Boston Courier.*

FORFEITURE OF GOODS IMPORTED. In the district court of the United States for the eastern district of Pennsylvania, before judge Hopkinson, and a special jury, a decision was lately had, which is of importance to merchants. An information was filed by the district attorney against a box of laces—which was found to contain thirteen cards of quillings not enumerated in the invoice, or stated at the time of entry—and a forfeiture of the whole package was required.

The defendant did not controvert the fact, but rested his defence upon the ground that the forfeiture accrued only where there was a design to defraud the revenue and that the additional articles having been put in by accident or mistake, the jury might exercise discretion in condemning the property. On the other hand, it was contended by the United States attorney, that the question of fact being admitted or proved, the positive directions of the law demanded the forfeiture, and that the remedy for a party innocent of fraudulent intention, is, a subsequent *remission* of the penalty in the mode established by law.

Judge Hopkinson reviewed at length the acts of congress bearing upon the question, and charged the jury, that by the law; the whole package was forfeited by reason of containing articles not mentioned in the invoice; and that neither the court nor the jury had any thing to do with the question whether the articles got into the package by mistake or accident, or the intention, fraudulent, or innocent with which they were put there. The verdict was accordingly in favor of the United States, and the package was condemned.

STEALING ONE'S OWN PROPERTY. *From a London paper.*—At the Manchester quarterly sessions, on Saturday, a man named Richard Harris, of respectable appearance, who had formerly kept a public house in Manchester, was indicted for having stolen, at Manchester, on the 24th of December last, one box, the property of Messrs. Pickford the carriers.

The case excited considerable interest, as it involved a rather singular and novel question—viz: whether the prisoner had or had not been guilty of stealing his own property? According to the evidence adduced, it appeared that on the above named day the prisoner called at the warehouse of Messrs. Pickford & Co. the well known carriers, and asked if they had a box for him, which he expected would be sent, addressed to him from Birmingham, by their conveyance? The porter of Messrs. Pickford, whom he questioned, told him that it had arrived, and was in the warehouse; but that he had better go into the clerk's office, and pay the carriage before the box was given to him. He accordingly went into the office, and asked one of the clerks what was the charge for carriage.

The clerk told him, and he went away without paying any thing; but he said that he would call again about it. In two or three days afterwards he again called at the office, and asked for the box, saying that he had brought the money to pay for the carriage. On searching for the box in the warehouse it was not to be found, and the prisoner appeared to be exceedingly enraged, declaring that he would bring an action at law against Messrs. Pickford for the value of the box and its contents. The clerks and warehousemen had a conversation on the subject, and after considering the circumstances of the prisoner's previous visit to the warehouse, together with fact of the box not being seen since that visit, they began to suspect that the prisoner himself must have taken it away. Messrs. Pickford in consequence applied to the magistrates, and obtained a warrant to search the prisoner's premises, which they did, and there found the identical box, emptied of its contents.

Evidence to the above effect having been adduced, the jury stopped the chairman as he was about to sum up, observing that they were quite satisfied with the facts of the case, but they wished to know from him whether it was "a felony for a man to steal his own goods?"

J. H. Norris, esq. the chairman, said that, under the circumstances, there could be no doubt that, if the prisoner was guilty, it would amount to felony.

The jury immediately returned a verdict of guilty.

The chairman, in passing sentence, said that the prisoner was a man of very considerable and acute intellect and had managed this robbery with a deal of tact. He was liable to be transported for life, but the court would not go that length. Still, however, considering the address he had displayed, they could not do less than transport him for fourteen years.

The prisoner, on hearing his sentence, burst into tears, and was taken down crying bitterly.

A MAN'S HOUSE HIS CASTLE. We notice, in the case of a trial in New York for assault and battery on the keeper of a drinking house, the court held that if a person is ordered out of another's house, he must go, whether he is right or wrong in any discussion which gives rise to the order. The owner can put him out, and is authorised to make use of as much force as may be necessary to force him from the premises. [*U. S. Gaz.*

A BORROWED HORSE. An action was lately decided in the supreme court of Rhode Island, before judge Wild, in which William Newhall obtained a verdict against John Webster for the value of a horse which had been drowned about two years since. Webster had borrowed the horse from the plaintiff to go from the town of Fall River to Providence; on his return, and after he had crossed the river, the horse became restive, backed into the river, and was drowned. The jury awarded the plaintiff damages to the amount of $125.

Digitized by Google